

COMMONWEALTH of VIRGINIA

Board of Education Agenda



Date of Meeting: June 22, 2005 **Time:** As Shown

Location: Conference Rooms C & D, James Monroe State Office Building
101 North 14th Street, Richmond, Virginia

9:00 a.m. FULL BOARD CONVENES

Moment of Silence

Pledge of Allegiance

Approval of Minutes of the May 25, 2005, Meeting of the Board

Public Comment

Consent Agenda

- A. Final Review of Financial Report on Literary Fund
- B. Final Review of Recommendations Concerning Applications for Literary Fund Loans
- C. Final Review of Recommendations Concerning Literary Fund Applications Approved for Release of Funds or Placement on a Waiting List

Action/Discussion on Board of Education Regulations

- D. First Review of Proposed Revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-10 et seq.)
- E. First Review of Proposed *Regulations Governing Reduction of State Aid When the Length of the School Term is Below 180 Teaching Days or 990 Teaching Hours* Under the Fast Track Provisions of the Administrative Process Act
- F. First Review of Technical Amendments to the *Regulations Governing Licensure of School Personnel* to Implement House Bill 2790, Senate Bill 949, and House Bill 2832

Action/Discussion Items

- G. Final Review of a Recommendation from the Special Committee of the Board of Education to Study and Make Recommendations Relative to Teacher Licensure Assessments
- H. Final Review of Computer Technology Standards of Learning for Grades K-12
- I. First Review of the Board of Education's Comprehensive Plan: 2005-2010
- J. First Review of Eligibility Criteria for Cost-Savings and Service-Sharing Agreements Between School Divisions in the Commonwealth of Virginia
- K. First Review of a Recommendation from the Advisory Board on Teacher Education and Licensure to Establish a Cut-Score for the Virginia Reading Assessment, Effective July 1, 2006
- L. First Review of Nominations to Fill Vacancies on Board of Education Advisory Committees: Advisory Committee on Adult Education and Literacy, State Special Education Advisory Committee, Advisory Committee on Career and Technical Education, and the Virginia Advisory Committee for the Education of the Gifted
- M. First Review of the Annual Performance Report on Adult Education and Family Literacy
- N. First Review of Proposed Board of Education Meeting Dates for the 2006 Calendar Year

Reports

- O. Report from the Board of Education's Charter School Application Review Committee on a Proposed Public Charter School
- P. Report on the Status of Proposed Waivers/Amendments to Virginia's Consolidated State Application Accountability Plan Required in the *No Child Left Behind Act of 2001*

DISCUSSION OF CURRENT ISSUES - by Board of Education Members and Superintendent of Public Instruction

ADJOURNMENT

PUBLIC NOTICE

The Board of Education members will meet for dinner at 6:30 p.m. at the Crowne Plaza Hotel on Tuesday, June 21, 2005. Items for the Board agenda may be discussed informally at that dinner. No votes will be taken, and it is open to the public.

GUIDELINES FOR PUBLIC COMMENT

1. The Board of Education is pleased to receive public comment at each of its regular monthly meetings. In order to allow the Board sufficient time for its other business, the total time allotted to public comment will generally be limited to thirty (30) minutes. Individuals seeking to speak to the Board will be allotted three (3) minutes each.
2. Those wishing to speak to the Board should contact Dr. Margaret Roberts, executive assistant for board relations at (804) 225-2924. Normally, speakers will be scheduled in the order that their requests are received until the entire allotted time slot has been used. Where issues involving a variety of views are presented before the Board, the Board reserves the right to allocate the time available so as to insure that the Board hears from different points of view on any particular issue.
3. Speakers are urged to contact Dr. Roberts in advance of the meeting. Because of time limitations, those persons who have not previously registered to speak prior to the day of the Board meeting cannot be assured that they will have an opportunity to appear before the Board.
4. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views.

Board of Education Agenda Item

Item: _____ A. _____

Date: _____ June 22, 2005 _____

Topic: Final Review of Financial Report on Literary Fund

Presenter: Mr. Daniel S. Timberlake, Assistant Superintendent for Finance

Telephone Number: (804) 225-2025 E-Mail Address: Daniel.Timberlake@doe.virginia.gov

Origin:

_____ Topic presented for information only (no board action required)

X Board review required by

X State or federal law or regulation

_____ Board of Education regulation

_____ Other: _____

X Action requested at this meeting _____ Action requested at future meeting: _____ (date)

Previous Review/Action:

X No previous board review/action

_____ Previous review/action

date _____

action _____

Background Information:

In accordance with the provisions of the Code of Virginia, Chapter 10, Section 22.1-142, the Board of Education is responsible for the management of the Literary Fund. This report reflects the status of the Literary Fund and the status of the Reserve Fund, which is in the custody of the Virginia Public School Authority (VPSA). The report also reflects the total principal of the fund, as well as cash, investments, and all short and long term loans in both funds.

Summary of Major Elements

Attachment A reflects the financial position of the Literary Fund as of March 31, 2005. The information presented in this report reflects the commitments against the Literary Fund as of March 31, 2005.

Attachment B reflects the currently active projects as of March 31, 2005.

Attachment C represents a three-year income analysis of the Literary Fund.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends approval of the financial report (including all statements) on the status of the Literary Fund as of March 31, 2005.

Impact on Resources:

As funds become available in the Literary Fund, recommendations will be made to the Board for funding priority projects and those projects at the top of the First Priority Waiting List, with cash reduced as loan requests are processed.

Timetable for Further Review/Action:

The Department staff will prepare a quarterly financial report on this fund for Board approval. Information also will be presented each quarter, as part of another agenda item, regarding those projects on the two waiting lists.

BOARD OF EDUCATION
STATEMENT OF THE FINANCIAL POSITION OF THE LITERARY FUND
(as of March 2005)

		March 31, 2005	December 31, 2004	Increase/(Decrease)
Reference	PRINCIPAL BALANCE			
1.	Cash and investments maintained by State Treasurer	207,190,657.00	133,934,558.00	73,256,099.00
2.	Loans received from local school boards (secured by promissory notes)	14,469,817.00	14,313,954.00	155,863.00
3.	Cash and investments in custody of Virginia Public School Authority (VPSA)	-	-	-
4.	Long-term loans in custody of Virginia Public School Authority (VPSA)	372,924,278.00	382,840,973.00	(9,916,695.00)
5.	Total Principal of Literary Fund	594,584,752.00	531,089,485.00	63,495,267.00
	CURRENT COMMITMENTS AGAINST LITERARY FUND REVENUE			
6.	Balance due on active projects (Attachment B)	8,735,726.31	8,909,209.73	(173,483.42)
7.	Debt service on VPSA equipment notes ¹	61,279,105.00	61,279,105.00	-
8.	Interest rate subsidy ²	5,000,000.00	5,000,000.00	-
9.	Trigon Reserve	5,657,429.00	5,657,429.00	-
10.	Transfer for Teacher Retirement ³	131,854,700.00	131,854,700.00	-
11.	Other Encumbrances held by Treasurer of Virginia	10,233.54	10,233.54	-
12.	Total of Literary Fund Commitments	212,537,193.85	212,710,677.27	(173,483.42)
	FUNDS AVAILABLE FOR CURRENT COMMITMENTS AND NEW LOANS			
13.	Cash and investments maintained by State Treasurer (Line 1)	207,190,657.00		
14.	Less commitments against Literary Fund Revenues (Line 12)	(212,537,193.85)		
15.	Balance Available to Fund New Projects Currently on Waiting List - (Additional Funds Needed to Meet Commitments)	(5,346,536.85)		

NOTES:

¹ Chapter 951 approved May 4, 2005, requires \$64,511,600 to be set aside for debt service on equipment notes. (Payment of \$3,232,495 in October)

² Chapter 951 approved May 4, 2005, requires \$5,000,000 to be set aside for an interest rate subsidy program.

³ Chapter 951 approved May 4, 2005, requires \$131,854,700 to be transferred from the Literary Fund to pay teacher retirement in fiscal year 2005.

ACTIVE PROJECTS AS OF MARCH 31, 2005

Application Number	School Division	School	Date Released by Board of Education	Funds Released	Funds Disbursed	Balance Due
10963	Augusta County	1999 Subsidy (Churchville Elem)	11/18/1999	1,439,546.00	1,415,188.31	24,357.69
10975	Clarke County	Johnson Williams Middle	9/28/2000	7,500,000.00	-	7,500,000.00
11058	Halifax County	Sydnor Jennings Elementary	6/20/2001	3,500,000.00	3,400,074.56	99,925.44
11150	Nottoway County	Crewe Primary (2004 Subsidy)	11/9/2004	191,790.06	161,571.70	30,218.36
11151	Nottoway County	Blackstone Primary (2004) Subsidy)	11/9/2004	54,631.84	40,392.93	14,238.91
11111	Patrick County	Woolwine Elementary (2002 Subsidy)	11/7/2002	50,763.00	44,263.00	6,500.00
11105	Russell County	Honaker Elementary (2002 Subsidy)	11/7/2002	325,917.27	312,225.59	13,691.68
11071	Smyth County	Chilhowie Elementary	9/26/2001	2,593,511.00	2,384,692.00	208,819.00
11070	Smyth County	Chilhowie Middle/High	9/26/2001	2,238,759.00	2,146,934.00	91,825.00
11131	Stafford County	Stafford Elementary (2003 Subsidy)	11/30/2003	659,305.31	654,746.41	4,558.90
11034	Sussex County	Sussex Central High	9/28/2000	7,500,000.00	7,118,661.00	381,339.00
11102	Washington County	Rhea Valley Elem (2001 Subsidy)	11/26/2001	168,673.00	88,512.31	80,160.69
11096	Washington County	Abingdon High (2003 Subsidy)	11/30/2003	34,942.97	10,234.00	24,708.97
11097	Washington County	John S. Battle High (2003 Subsidy)	11/30/2003	30,209.93	-	30,209.93
11098	Washington County	Holston High (2003 Subsidy)	11/30/2003	20,948.94	-	20,948.94
11099	Washington County	Patrick Henry High (2003 Subsidy)	11/30/2003	30,181.33	-	30,181.33
11100	Washington County	Valley Institute (2003 Subsidy)	11/30/2003	5,861.31	-	5,861.31
11078	Washington County	Wallace Middle	9/26/2001	439,704.00	439,616.00	88.00
11083	Washington County	Glade Spring Middle	9/26/2001	139,220.00	119,585.00	19,635.00
11063	Chesapeake City	Great Bridge Intermediate (2001 Subsidy)	9/26/2001	66,655.00	66,655.00	-
11062	Chesapeake City	Butts Road Intermediate (2001 Subsidy)	9/26/2001	85,594.00	47,074.71	38,519.29
11064	Chesapeake City	Greenbrier Intermediate (2001 Subsidy)	9/26/2001	85,594.00	45,824.17	39,769.83
10999	Franklin City	Franklin High School (1999 Subsidy)	11/18/1999	263,300.00	193,130.96	70,169.04
June, 2005				27,425,107.96	18,689,381.65	8,735,726.31

LITERARY FUND OF VIRGINIA
INCOME ANALYSIS (2002-03 THRU 2004-05)

2002-03	Interest	Fines & Forfeitures	Unclaimed Property	Lottery Transfer	VPSA Transfer	Total
July	335,562	-	-	-	-	335,562
August	393,014	4,206,398	-	1,020,393	-	5,619,805
September	604,196	4,021,573	-	578,775	-	5,204,544
October	1,510,810	4,425,113	-	1,044,794	-	6,980,717
November	377,820	4,515,153	-	664,449	-	5,557,422
December	273,541	3,299,144	-	436,899	-	4,009,584
January	2,157,923	3,387,862	-	647,278	48,455,163	54,648,226
February	354,322	4,703,278	30,000,000	635,618	-	35,693,218
March	375,106	4,038,001	-	659,630	-	5,072,737
April	2,308,339	4,263,825	-	703,270	-	7,275,434
May	533,012	4,278,760	-	-	-	4,811,772
June	2,919,696	8,429,766	14,000,000	5,913,477	-	31,262,939
	\$ 12,143,341	\$ 49,568,873	\$ 44,000,000	\$ 12,304,583	\$ 48,455,163	\$ 166,471,960

2003-04	Interest	Fines & Forfeitures	Unclaimed Property	Lottery Transfer	VPSA Transfer	Total
July	7,560	-	-	-	-	7,560
August	401,611	4,218,866	-	-	-	4,620,477
September	388,489	4,193,908	-	708,102	-	5,290,499
October	953,432	4,193,773	-	1,464,273	-	6,611,478
November	430,922	7,370,275	-	614,751	-	8,415,948
December	331,088	7,925,364	-	979,623	-	9,236,075
January	1,091,268	5,970,204	-	588,093	50,494,673	58,144,238
February	409,446	5,021,910	-	-	-	5,431,356
March	502,894	4,577,460	30,000,000	1,635,305	-	36,715,659
April	1,660,228	5,482,738	-	739,989	-	7,882,955
May	2,181,071	4,840,637	-	3,280,587	16,803,247	27,105,542
June	5,501,604	10,044,075	20,000,000	3,024,259	1,056,509	39,626,447
	\$ 13,859,613	\$ 63,839,210	\$ 50,000,000	\$ 13,034,982	\$ 68,354,429	\$ 209,088,234

2004-05	Interest	Fines & Forfeitures	Unclaimed Property	Lottery Transfer	VPSA Transfer	Total
July	5,866,000	-	-	-	-	5,866,000
August	6,459,099	5,012,841	-	-	-	11,471,940
September	3,059,842	4,747,251	-	1,204,496	-	9,011,589
October	4,141,436	4,792,135	-	1,471,795	-	10,405,366
November	3,618,956	4,667,022	-	771,191	-	9,057,169
December	4,017,896	4,344,052	-	355,016	-	8,716,964
January	6,727,216	4,286,240	-	655,770	-	11,669,226
February	4,330,837	5,315,552	-	1,356,005	-	11,002,394
March	5,594,971	5,007,919	40,000,000	732,990	-	51,335,880
April	6,089,000	4,783,000	-	1,000,000	-	11,872,000 *
May	2,539,000	4,783,000	-	1,000,000	-	8,322,000 *
June	4,157,000	9,567,000	20,000,000	1,000,000	-	34,724,000 *
	\$ 56,601,253	\$ 57,306,012	\$ 60,000,000	\$ 9,547,263	\$ -	\$ 183,454,528

* Estimated Amounts

Board of Education Agenda Item

Item: B.

Date: June 22, 2005

Topic: Final Review of Recommendations Concerning Applications for Literary Fund Loans

Presenter: Mr. Daniel S. Timberlake, Assistant Superintendent for Finance

Telephone Number: (804) 225-2025 **E-Mail Address:** Daniel.Timberlake@doe.virginia.gov

Origin:

☐ Topic presented for information only (no board action required)

☒ Board review required by

☒ State or federal law or regulation

☐ Board of Education regulation

☐ Other: _____

☒ Action requested at this meeting ☐ Action requested at future meeting: _____ (date)

Previous Review/Action:

☒ No previous board review/action

☐ Previous review/action

date _____

action _____

Background Information:

The recommendation for approval of the projects on Attachment A is in accordance with the Code of Virginia, Chapter 10, Section 22.1-146, which authorizes the Board of Education to make loans from the Literary Fund for the purpose of erecting, altering, or enlarging school buildings. Approval of an application constitutes the first step in a two-step process to secure a loan from the Literary Fund. The second step can occur only after Departmental receipt of final plans and specifications per Section 22.1-140 of the Code, coupled with a written request to the Department for release of funds, with the latter request also requiring Board approval.

Summary of Major Elements

Attachment A reflects six applications that have been reviewed by the Department. These applications have met all of the Board's requirements necessary to be approved for a Literary Fund loan and are currently under review by the Office of the Attorney General.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends approval of six applications totaling \$37,100,000 subject to review and approval by the Office of the Attorney General pursuant to Section 22.1-156, Code of Virginia (Attachment A).

Impact on Resources:

There will be no impact on the resources of the Literary Fund until a locality receives approval from the Board of Education for the release of funds, construction begins on the approved project, and a request for reimbursement is submitted.

Timetable for Further Review/Action:

Recommendations similar to Attachment A will be presented to the Board on a quarterly basis as needed, if found in proper order after review by the Department and the Office of the Attorney General.

BOARD OF EDUCATION
APPLICATIONS PRESENTED FOR APPROVAL

It is recommended that the following applications be approved.

School Division	School	Amount	Comment
Staunton City	A. R. Ware Elem	\$7,500,000	New Construction (Plans Approved)
Staunton City	T. C. McSwain Elem	7,500,000	New Construction (Plans Approved)
Wythe County	Max Meadows Elem	4,100,000	Addition (Plans Approved)
Warren County	West Warren High	7,500,000	New Construction (Plans Approved)
Warren County	East Warren High	7,500,000	New Construction (Plans Approved)
Henry County	Mt. Olivet Elem	<u>3,000,000</u>	Renovations (Plans Approved)
	Total	\$37,100,000	

June, 2005

Board of Education Agenda Item

Item: C.

Date: June 22, 2005

Topic: Final Review of Recommendations Concerning Literary Fund Applications Approved for Release of Funds or Placement on a Waiting List

Presenter: Mr. Daniel S. Timberlake, Assistant Superintendent for Finance

Telephone Number: (804) 225-2025 **E-Mail Address:** Daniel.Timberlake@doe.virginia.gov

Origin:

 Topic presented for information only (no board action required)

X Board review required by

 X State or federal law or regulation

 Board of Education regulation

 Other: _____

X Action requested at this meeting Action requested at
future meeting: _____ (date)

Previous Review/Action:

X No previous board review/action

 Previous review/action

date _____

action _____

Background Information:

The Literary Fund regulations of the Board establish two priorities for the Literary Fund Waiting lists. These priorities are summarized as follows:

Priority 1: Applications from localities having a composite index less than 0.6000 and an indebtedness less than \$20 million to the Literary Fund (Attachment A).

Priority 2: Applications from localities having a composite index of 0.6000 or above or an indebtedness of \$20 million or greater to the Literary Fund (Attachment B).

Attachment C is the Board of Education's current Approved Application List. This attachment identifies the Literary Fund applications that are approved as to form but are not included on either waiting list nor are they recommended for funding.

Summary of Major Elements:

To the extent funds are available, a recommendation for initial release of funds is presented for projects currently on the First Priority Waiting List or otherwise eligible for priority funding. To the extent funds are not available, new requests for the initial release of Literary Funds cannot be approved. As a result, such requests must be deferred and placed on either the First or Second Priority Waiting List in accordance with the Literary Fund regulations.

This item consists of two elements that require action by the Board of Education. These elements are:

1. Six new projects, totaling \$37,100,000, listed on Attachment A are eligible for placement on the First Priority Waiting List, subject to review and approval by the Office of the Attorney General pursuant to § 22.1-156, Code of Virginia.
2. When New Kent County received the bids on the G. W. Watkins Elementary School project, the bids were higher than the projected amount. New Kent County has submitted a revised application for the project as follows:

	<u>Original</u>	<u>Revised</u>	<u>Difference</u>
G. W. Watkins Elementary	\$ 6,912,054	\$7,500,000	\$587,946

Superintendent's Recommendation:

No funds are available at this time to release loans for projects on the First Priority Waiting List.

The Superintendent of Public Instruction recommends that the Board of Education approve the actions described in the two elements listed under "Summary of Major Elements."

Impact on Resources:

Current Board policy provides that, upon initial release of funds, Literary Fund cash is reduced in the total amount of the approved loan to assure that cash is available as required for project completion. The disbursement of funds is based on actual invoices or other evidence of bills due and payable from the Literary Fund.

Timetable for Further Review/Action:

The staff will prepare items for the Board on this subject as needed. Based on the availability of funds, initial release of funds will be made or projects will be deferred and placed on the Waiting List.

BOARD OF EDUCATION - FIRST PRIORITY WAITING LIST

The following projects have been placed or are recommended for placement on the First Priority Waiting List with the actions as indicated in the last column. Projects recommended for action at this meeting are presented in italics.

Priority	Date Placed on Waiting List	School Division	School	Interest Rate	Amount	Cumulative Total	Action/Status
1	February, 2002	Orange County	Locust Grove Middle	4%	7,500,000	7,500,000	Funding Deferred
2	March, 2002	Hopewell City	Carter G. Woodson Middle	2%	1,100,000	8,600,000	Funding Deferred
3	March, 2002	King William County	King William High	3%	7,500,000	16,100,000	Funding Deferred
4	March, 2002	Buckingham County	Buckingham Middle	2%	7,500,000	23,600,000	Funding Deferred
5	April, 2002	Fluvanna County	Fluvanna High	3%	7,500,000	31,100,000	Funding Deferred
6	April, 2002	Orange County	Orange County High	4%	7,500,000	38,600,000	Funding Deferred
7	May, 2002	Amelia County	Amelia High	3%	2,500,000	41,100,000	Funding Deferred
8	May, 2002	Amelia County	Amelia Middle	3%	5,000,000	46,100,000	Funding Deferred
9	June, 2002	Prince George County	South Elementary	2%	5,911,575	52,011,575	Funding Deferred
10	June, 2002	Prince George County	Harrison Elementary	2%	7,044,000	59,055,575	Funding Deferred
11	July, 2002	Newport News City	General Stanford Elementary	2%	7,500,000	66,555,575	Funding Deferred
12	March, 2003	Franklin County	Windy Gap Elementary	3%	7,500,000	74,055,575	Funding Deferred
13	March, 2003	Lynchburg City	E. C. Glass High	3%	7,500,000	81,555,575	Funding Deferred
14	March, 2003	Lunenburg County	Lunenburg Middle	2%	7,500,000	89,055,575	Funding Deferred
15	June, 2003	King George County	King George Elementary	3%	7,500,000	96,555,575	Funding Deferred
16	June, 2003	Galax City	Galax Elementary	3%	2,000,000	98,555,575	Funding Deferred
17	June, 2003	Sussex County	Sussex Central Middle	3%	7,500,000	106,055,575	Funding Deferred
18	June, 2003	Floyd County	Check Elementary	3%	2,160,800	108,216,375	Funding Deferred
19	June, 2003	Floyd County	Floyd Elementary	3%	1,123,737	109,340,112	Funding Deferred
20	June, 2003	Floyd County	Indian Valley Elementary	3%	2,030,933	111,371,045	Funding Deferred
21	June, 2003	Floyd County	Willis Elementary	3%	1,820,531	113,191,576	Funding Deferred
22	June, 2003	Floyd County	Floyd High	3%	4,863,998	118,055,574	Funding Deferred

BOARD OF EDUCATION - FIRST PRIORITY WAITING LIST

The following projects have been placed or are recommended for placement on the First Priority Waiting List with the actions as indicated in the last column. Projects recommended for action at this meeting are presented in italics.

Priority	Date Placed on Waiting List	School Division	School	Interest Rate	Amount	Cumulative Total	Action/Status
23	June, 2003	Alleghany County	Falling Springs Elementary	2%	2,000,000	120,055,574	Funding Deferred
24	June, 2003	Alleghany County	Callaghan Elementary	2%	1,000,000	121,055,574	Funding Deferred
25	June, 2003	Alleghany County	Sharon Elementary	2%	1,000,000	122,055,574	Funding Deferred
26	June, 2003	Stafford County	New Elementary 2004	3%	7,500,000	129,555,574	Funding Deferred
27	February, 2004	Mecklenburg County	South Hill Elementary	3%	7,500,000	137,055,574	Funding Deferred
28	February, 2004	Manassas Park City	Manassas Park High	3%	7,000,000	144,055,574	Funding Deferred
29	February, 2004	Rockingham County	Montevideo Middle	3%	6,600,000	150,655,574	Funding Deferred
30	February, 2004	Rockingham County	Elkton Middle	3%	7,000,000	157,655,574	Funding Deferred
31	April, 2004	Greene County	William Monroe High	3%	4,000,000	161,655,574	Funding Deferred
32	April, 2004	Greene County	William Monroe Middle	3%	5,000,000	166,655,574	Funding Deferred
33	April, 2004	Patrick County	Woolwine Elementary	2%	575,000	167,230,574	Funding Deferred
34	April, 2004	Patrick County	Patrick County High	2%	1,714,000	168,944,574	Funding Deferred
35	April, 2004	New Kent County	New Kent Primary	4%	2,596,515	171,541,089	Funding Deferred
36	<i>April, 2004</i>	<i>New Kent County</i>	<i>G. W. Watkins Elementary</i>	<i>4%</i>	<i>7,500,000</i>	<i>179,041,089</i>	<i>Amount Changed</i>
37	June, 2004	Page County	Page County High	2%	7,500,000	186,541,089	Funding Deferred
38	June, 2004	Page County	Luray High	2%	7,500,000	194,041,089	Funding Deferred
39	September, 2004	Roanoke City	Patrick Henry High	3%	7,500,000	201,541,089	Funding Deferred
40	September, 2004	Roanoke City	Fallon Park Elementary	3%	1,600,000	203,141,089	Funding Deferred
41	September, 2004	Roanoke City	Westside Elementary	3%	3,100,000	206,241,089	Funding Deferred
42	September, 2004	Hanover County	Stonewall Jackson Middle	4%	2,025,000	208,266,089	Funding Deferred
43	January, 2005	Accomack County	Arcadia Middle	2%	7,500,000	215,766,089	Funding Deferred
44	January, 2005	Accomack County	Nandua Middle	2%	4,500,000	220,266,089	Funding Deferred
45	January, 2005	Portsmouth City	Park View Elementary	2%	7,500,000	227,766,089	Funding Deferred

BOARD OF EDUCATION - FIRST PRIORITY WAITING LIST

The following projects have been placed or are recommended for placement on the First Priority Waiting List with the actions as indicated in the last column. Projects recommended for action at this meeting are presented in italics.

Priority	Date Placed on Waiting List	School Division	School	Interest Rate	Amount	Cumulative Total	Action/Status
46	January, 2005	Campbell County	Yellow Branch Elementary	2%	7,500,000	235,266,089	Funding Deferred
47	January, 2005	Russell County	Lebanon Primary	2%	4,000,000	239,266,089	Funding Deferred
48	January, 2005	Brunswick County	Brunswick High	2%	7,500,000	246,766,089	Funding Deferred
50	March, 2005	Hanover County	New 2006 Elementary	4%	7,500,000	254,266,089	Funding Deferred

New projects to be added with funding deferred until funds are approved for release by separate action by the Board of Education

<i>51</i>	<i>June, 2005</i>	<i>Staunton City</i>	<i>A. R. Ware Elem</i>	<i>3%</i>	<i>7,500,000</i>	<i>261,766,089</i>	<i>Add/Funding Deferred</i>
<i>52</i>	<i>June, 2005</i>	<i>Staunton City</i>	<i>T. C. McSwain Elem</i>	<i>3%</i>	<i>7,500,000</i>	<i>269,266,089</i>	<i>Add/Funding Deferred</i>
<i>53</i>	<i>June, 2005</i>	<i>Wythe County</i>	<i>Max Meadows Elem</i>	<i>3%</i>	<i>4,100,000</i>	<i>273,366,089</i>	<i>Add/Funding Deferred</i>
<i>54</i>	<i>June, 2005</i>	<i>Warren County</i>	<i>West Warren High</i>	<i>3%</i>	<i>7,500,000</i>	<i>280,866,089</i>	<i>Add/Funding Deferred</i>
<i>55</i>	<i>June, 2005</i>	<i>Warren County</i>	<i>East Warren High</i>	<i>3%</i>	<i>7,500,000</i>	<i>288,366,089</i>	<i>Add/Funding Deferred</i>
<i>56</i>	<i>June, 2005</i>	<i>Henry County</i>	<i>Mt. Olivet Elem</i>	<i>2%</i>	<i>3,000,000</i>	<i>291,366,089</i>	<i>Add/Funding Deferred</i>

June, 2005

BOARD OF EDUCATION - SECOND PRIORITY WAITING LIST

The following projects have been placed or are recommended for placement on the Second Priority Waiting List with the actions as indicated in the last column. Projects recommended for action at this meeting are presented in italics.

Priority	Date Placed on Waiting List	School Division	School	Interest Rate	Amount	Cumulative Total
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NO PROJECTS

LITERARY FUND OF VIRGINIA
APPROVED APPLICATION LIST

Application Number	School Division	SCHOOL	Application Amount	Date Approved by Board of Education
11105	Pulaski County	Pulaski High School	\$1,200,000	February 5, 2002

*Reflects only those applications not on waiting lists

June, 2005

Board of Education Agenda Item

Item: _____ D. _____

Date: _____ June 22, 2004 _____

Topic: First Review of the Proposed Revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8VAC20-131-10 et seq.)

Presenter: Ms. Anne D. Wescott, Assistant Superintendent for Policy and Communications

Telephone Number: (804) 225-2403 **E-Mail Address:** Anne.Wescott@doe.virginia.gov

Origin:

____ Topic presented for information only (no board action required)

X Board review required by
 X State or federal law or regulation
 ____ Board of Education regulation
 ____ Other: _____

X Action requested at this meeting

____ Action requested at future meeting: _____

Previous Review/Action:

____ No previous board review/action

X Previous review/action
 date January 12, 2005
 action Approval of Notice of Intended Regulatory Action (NOIRA)

Background Information: Section 22.1-253.13:3 of the Code of Virginia requires the Board of Education to promulgate Standards of Accreditation for Virginia's K-12 public schools. The Code states:

The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ [2.2-4000](#) et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The current regulations were adopted by the Board of Education on July 29, 2000, and became effective September 28, 2000. Those regulations included provisions that served as a transition to the current more rigorous requirements for school accountability and student achievement. Those transitional provisions are now obsolete or outdated. Furthermore, Virginia's accountability system has matured, and it is time to undertake a comprehensive review of the accrediting standards, especially in the areas of consequences for those schools that fail to meet the accountability requirements, and incentives for schools that are achieving success.

A Notice of Intended Regulatory Action (NOIRA) required by the Virginia Administrative Process Act (APA) was published in the *Virginia Register* on March 21, 2005 to advise the public of the Board's intent to conduct a comprehensive review of the regulations. No comments from the public were received.

Summary of Major Elements: The following substantive and technical changes are proposed:

8 VAC 20-131-05. Definitions.

- A definitions section is proposed to consolidate and clarify terms used in these regulations.

8 VAC 20-131-10. Purpose.

- Language would clarify that these regulations do not apply to schools licensed under other state regulations (such as state-operated programs licensed under the Standards for Interdepartmental Regulation of Children's Residential Facilities).

8 VAC 20-131-20. Philosophy, Goals, and Objectives.

- A new objective, to increase graduation rates, would be added to the goals and objectives.

8 VAC 20-131-30. Student Achievement.

- Students who are accelerated would take the tests for the grade level of the content received in instruction.
- Remediation recovery would be expanded from K-8 to K-12 in English (reading) and mathematics. The retesting provision would no longer be needed with annual testing in grades three through eight. The application of remediation recovery to a school's accreditation ratings would continue to be defined in Board guidelines.
- Language would be added to reference § 504 plans, as well as Individualized Education Programs (IEP) for students with disabilities.
- Foreign exchange students would be required to take Standards of Learning (SOL) tests when taking courses for credit, but would not be required to take the tests for courses if they audit the course.

8 VAC 20-131-40. Literacy Passport Tests.

- The section would be repealed, as it is obsolete and the tests are no longer administered.

8 VAC 20-131-50. Requirements for Graduation.

- The Board's current policy that allows students to earn a verified credit for the student-selected test if they complete a career and technical program sequence and earn an industry certification, state license, or occupational competency credential would be added to the regulations.

- For a standard diploma, when the certification, license, or credential confers more than one verified credit, a second verified credit could be substituted for a verified unit of credit in science or history or social science.
- Language would clarify that every student would pursue a Standard or Advanced Studies Diploma, but the Modified Standard Diploma would still be an option for students with disabilities, if determined appropriate by the IEP team.
- The requirements for the Governor's Seal would be revised. Students would be able to receive the seal if they earn an Advanced Studies Diploma with a B average or better, and successfully complete college-level coursework to earn 15 transferable college credits in Advanced Placement, International Baccalaureate, Cambridge, or dual enrollment. The new requirements incorporate the Early College Scholars program criteria.
- The requirements for the Board of Education Seal would be revised. Students would receive the seal if they have an A average, whether they earn a Standard or an Advanced Studies Diploma.
- The requirements for the Board of Education's Career and Technical Education Seal would be revised to clarify that the student may pass an occupational competency exam, or earn an industry certification or state license.
- The requirements for the Board of Education's Seal for Excellence in Civics Education would be added. (These requirements are currently in guidelines; the seal itself is established in § 22.1-253.13:4 of the Code of Virginia).

8 VAC 20-131-60. Transfer Students.

- Language would be added to clarify that for students entering Virginia public schools below the secondary school level, the placement in grade is the responsibility of the local school board. At the secondary school level, language clarifies that credits earned in schools accredited by agencies recognized by the U. S. Department of Education are automatically acceptable for transfer credit, in addition to those credits earned in schools that are members of Virginia Council for Private Education (VCPE), as currently specified in the regulations. Coursework earned in schools accredited by a non-recognized agency would be evaluated by the local school division.

8 VAC 20-131-70. School Instructional Program.

- A technical change clarifies that students with disabilities may be those identified under IDEA or § 504.

8 VAC 20-131-80. Instructional Program in Elementary Schools.

- The requirement for a daily recess in elementary schools would be moved from this section to 8 VAC 20-131-200. There is no change in the requirement, but it clarifies that recess is not part of the instructional program and is not counted as instructional time.
- The requirement that each school shall ensure that students who are unable to read with comprehension receive additional instruction in reading is set out in this section, as well as the sections relating to middle school and secondary school (8 VAC 20-131-90 and 8 VAC 20-131-100) to emphasize the importance of reading in the school curriculum at all levels.

8 VAC 20-131-90. Instructional Program in Middle Schools.

- Middle schools would be required to offer Algebra I to all students in the eighth grade.

8 VAC 20-131-100. Instructional Program in Secondary Schools.

- All secondary schools would be required to offer at least three Advanced Placement courses or three college-level courses for degree credit, or any combination thereof. Current language requires secondary schools to offer at least two Advanced Placement or college-level courses.

8 VAC 20-131-110. Standard and Verified Units of Credit.

- Language would be modified to allow school divisions to award credit for both core and noncore academic courses on a basis other than the 140 clock hour requirement to provide flexibility for dual enrollment, virtual AP school, and other initiatives. However, local school boards would still be required to develop a written policy to ensure that the course is comparable to 140 clock hours of instruction.
- Language would clarify that students seeking a Modified Standard Diploma could use an expedited retake of a Standards of Learning test to meet the literacy and numeracy requirements for the Modified Standard Diploma.
- Provisions for a locally awarded verified unit of credit in science or history/social science, subject to Board guidelines, would be added to the regulations. (Currently the provisions are in a § 1 statute and apply to the 9th grade classes of 2000-01, 2001-02, and 2002-03.)
- The criteria for Board approval of substitute tests would be modified to permit tests administered as a part of another state's accountability program to be approved as substitute tests. Such tests would be held to the same standard of review and approval by the Board as all other substitute tests.

8 VAC 20-131-120. Summer School.

- No changes are proposed.

8 VAC 20-131-130. Elective Courses.

- No changes are proposed.

8 VAC 20-131-140. College Preparation Programs and Opportunities for Postsecondary Credit..

- Language would be added to require counseling of students in obtaining industry certifications, occupational competency credentials, or professional licenses in career and technical education fields.
- Language would be added to require students to have access to at least three AP courses or college-level courses for degree credit.

8 VAC 20-131-150. Standard School Year and School Day.

- Language is revised for clarity. Section 22.1-98 of the Code of Virginia requires school terms to be at least 180 teaching days or 990 teaching hours.

8 VAC 20-131-160. Additional Reading Instruction..

- The language in this section is moved to 8 VAC 20-131-80, 8 VAC 20-131-90, and 8 VAC 20-131-100.

8 VAC 20-131-170. Family Life Education.

- No changes are proposed.

8 VAC 20-131-180. Offsite Instruction.

- Language would clarify that for homebound instruction, the instructional time requirements or alternative means of awarding credit, as adopted by the local school board, have been met.

8 VAC 20-131-190. Library Media, Materials and Equipment.

- No changes are proposed.

8 VAC 20-131-200. Extracurricular and Other School Activities, Recess.

- The provision about recess in the elementary school is moved from 8 VAC 20-131-80 to this section.

8 VAC 20-131-210. Role of the Principal.

- Language would specify that the principal must notify parents of rising 11th and 12th graders of the number of standard and verified credits required for graduation, and the number of such credits the student must earn in order to graduate. (§ 22.1-253.13:4 of the Code of Virginia)

8 VAC 20-131-240. Administrative and Staff Support; Staffing Requirements.

- Staffing requirements that are prescribed in the Standards of Quality for principals, assistant principals, librarians, guidance counselors, and clerical staff would be deleted from the regulations because it is duplicative of language in § 22.1-253.13:2 of the Code of Virginia. Reference is made to the Standards of Quality.
- Language about planning period for teachers in middle and secondary schools would be revised to provide for equivalent time for teachers in schools with block schedules. (This is consistent with language in § 22.1-253.13:2 of the Code of Virginia.)
- Language is deleted that requires schools to report the extent to which unencumbered lunch is provided. There is no state requirement for an unencumbered lunch.

8 VAC 20-131-260. Facilities and Safety.

- Language related to regulations of the Board of Education pertaining to facilities would be stricken. The Board of Education does not have regulations pertaining to requirements of the Uniform Statewide Building Code.
- Language would be added to provide for adequate and safe administration and storage of student medications.
- Language would also be added to require that written procedures for emergencies include procedures to follow in the event of an allergic reaction.
- Language would be added to require written procedures for the safe evacuation of persons with special physical, medical, or language needs who may need assistance to exit a building.

8 VAC 20-131-270. School and Community Communications.

- A requirement would be added to provide information on the School Report Card on the number of students obtaining industry certifications and passing state licensure assessments and occupational competency assessments while still in high school. (This is consistent with language in SB 1045 passed by the 2005 General Assembly.)

8 VAC 20-131-280 School Accreditation.

- Changes would be made for clarity and brevity.

8 VAC 20-131-290. Procedures for Certifying Accreditation Eligibility.

- Changes would be made for clarity.

8 VAC 20-131-300. Application of the Standards.

- The requirement that the pass rate for accreditation is 75 percent in English in grades 3 and 5 would be revised to grades 3 through 5 to reflect annual testing in English and mathematics.
- Beginning with ratings earned in 2010-2011 and beyond (based on assessments in 2009-2010 and beyond), the pass rate for accreditation would be raised to 75 percent in English and 70 percent in mathematics, science, and history and social science.
- In any school division in which one-third or more of the schools are rated Accreditation Denied (beginning in 2006-2007), language is added to specify action that the Board of Education may take in accordance with the Standards of Quality (§ 22.1-253.13:8 of the Code of Virginia).

8 VAC 20-131-310. Action Requirements for Schools that Are Accredited with Warning.

- Language is revised to clarify that the school is to adopt a research-based instructional intervention with a proven track record of success.

8 VAC 20-131-320. Provisional Accreditation Benchmarks.

- The section would be repealed. It is obsolete and the benchmarks are no longer in effect.

8 VAC 20-131-325. Recognitions and Rewards for School Accountability Performance.

- A school that maintains a pass rate of 95 percent or above for two consecutive years may receive a waiver from annual accreditation, and would be accredited for three years. However, the school must continue to submit documentation that it is in compliance with the regulations.
- The waiver provisions currently in the regulations would be deleted, as no school has requested such waivers.
- The provisions for the Governor's Award for Outstanding Achievement Language is revised to require that the school be Fully Accredited, and that it has significantly increased student achievement in student subgroups to close the achievement gap.

8 VAC 20-131-330. Waivers.

- Minor editorial changes are proposed.

8 VAC 20-131-340. Academic Reviews, Special Provisions, and Sanctions.

- A school rated Accreditation Denied would be subject to sanctions prescribed by the Board and affirmed through a memorandum of understanding between the Board and the local school board within 30 days following the opening of school.
- The memorandum of understanding could include, but not be limited to, provisions to:
 1. Submit status report to the Board or a committee of the Board detailing the implementation of corrective action;
 2. Undergo a management and educational service delivery review. This review would be modeled on the division-level efficiency review; or

3. Employ a turnaround specialist to address those conditions at the school that may impede educational progress and effectiveness and academic success.
- Any school rated Accreditation Denied would be required to provide parents and the community with a written notice of the school's accreditation rating, a copy of the school's corrective action plan, and an opportunity to comment on the corrective action plan. Such public comment shall be received and considered by the school division prior to establishing the memorandum of understanding with the Board of Education.
 - As an alternative to the memorandum of understanding, a local school board may choose to enter into an agreement with the Board of Education to reconstitute a school rated Accreditation Denied. The reconstitution agreement may include any of the provisions above along with one or more of the following actions:
 1. Replacing all or a majority of the administrative staff and at least fifty percent of the instructional staff;
 2. Hiring a private management firm from a Board of Education approved list;
 3. Converting the school to a charter school (§22.1-212.16 of the Code of Virginia).
 - If a local school board chooses to reconstitute a school, it could apply for an accreditation rating of Conditionally Accredited. The Conditionally Accredited rating could be extended for up to three years if the school is making progress toward a rating of Fully Accredited in accordance with the terms of the agreement with the Board of Education. The school would revert to a status of Accreditation Denied if it fails to meet the requirements to be rated Fully Accredited by the end of the term of the agreement.
 - The local school board may choose to close a school rated Accreditation Denied or to combine such school with another higher performing school in the division.
 - Schools that receive the status of Accreditation Denied would annually report their progress toward meeting the requirements to be rated Fully Accredited to the Board of Education. The status reports would be relayed to the Governor and members of the General Assembly by November 15, as part of the Board's annual report.
 - Language would specify that a school's accreditation could be withheld for test security violations.
 - Language would be added, consistent with the Standards of Quality (§ 22.1-253.13:8 of the Code of Virginia), to specify that the Board may take action against the local school board due to failure of the local school board to maintain accredited schools.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the attached Regulations Establishing Standards for Accrediting Public Schools in Virginia and authorize the Department of Education staff to proceed with the requirements of the Administrative Process Act. In addition, the Board may wish to authorize department staff to make minor technical or typographic changes as necessary.

Impact on Resources: The impact on resources for the review and revision of these regulations is not expected to be significant.

Timetable for Further Review/Action: The timetable for further review/action will be largely determined by the requirements of the Administrative Process Act.

REGULATIONS ESTABLISHING STANDARDS FOR
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8 VAC 20-131-05. Definitions.

The following words and terms apply only to these regulations and do not supersede those definitions used for federal reporting purposes or for the calculation of costs related to the Standards of Quality (§§ 22- 253.13:1 through 22.1-253.13:8). When used in these regulations, these words shall have the following meanings, unless the context clearly indicates otherwise:

“Accreditation” means a process used by the Virginia Department of Education (hereinafter “department”) to evaluate the educational performance of public schools in accordance with these regulations.

“Additional test” test means a test, including substitute tests approved by the Board of Education that students may use in lieu of a Standards of Learning test to obtain verified credit.

“Combined school” means a public school that contains any combination of or all of the grade levels from kindergarten through 12. This definition does not include those schools defined as elementary, middle, or secondary schools.

“Elementary school” means a public school with any grades kindergarten through five.

REGULATIONS ESTABLISHING STANDARDS FOR
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21

22 “Eligible students” means the total number of students of school age enrolled in the
23 school at a grade or course for which a Standards of Learning test is required unless
24 excluded under the provisions of 8 VAC 20-131-30 F and 8 VAC 20-131-280 D relative
25 to limited English proficient (LEP) students.

26

27 “Enrollment” means the act of complying with state and local requirements relative to the
28 registration or admission of a child for attendance in a school within a local school
29 division. This term also means registration for courses within the student’s home school
30 or within related schools or programs.

31

32 “First time” means the student has not been enrolled in the school at any time during the
33 current school year (for purposes of 8 VAC 20-131-60 with reference to students who
34 transfer in during the school year).

35

36 “Four core areas” or “four core academic areas” means English, mathematics, science,
37 and history and social science for purposes of testing for the Standards of Learning.

38

39 “Homebound instruction” means academic instruction provided to students who are
40 confined at home or in a health care facility for periods that would prevent normal school

REGULATIONS ESTABLISHING STANDARDS FOR
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attendance based upon certification of need by a licensed physician or a licensed clinical psychologist.

“Locally awarded verified credit” means a verified unit of credit awarded by a local school board in accordance with 8 VAC 20-131-110.

“Middle school” means a public school with any grades six through eight.

“School” means a publicly funded institution where students are enrolled for all or a majority of the instructional day and:

1. Those students are reported in fall membership at the institution; and
2. At a minimum, the institution meets the pre-accreditation eligibility requirements of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* adopted by the Board of Education.

“Secondary school” means a public school with any grades nine through twelve.

“Standard school day” means a day that averages at least five and one-half instructional hours for students in grades one through 12, and a minimum of three instructional hours for students in kindergarten, excluding breaks for meals and recess.

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“Standard school year” means a school year of at least 180 teaching days or a total of at least 990 teaching hours per year.

“Standard unit of credit” or “standard credit” means credit awarded for a course in which the student successfully completes 140 clock hours of instruction and the requirements of the course. Local school boards may develop alternatives to the requirement for 140 clock hours of instruction as provided for in these regulations at 8 VAC 20-131-110.

“Standards of Learning” (SOL) tests means those criterion referenced assessments approved by the Board of Education for use in the Virginia assessment program that measure attainment of knowledge and skills required by the Standards of Learning.

“Student” means a person of school age as defined by § 22.1-1 of the Code of Virginia, a child with disabilities as defined in § 22.1-213 of the Code of Virginia, and person with limited English proficiency in accordance with § 22.1-5 of the Code of Virginia.

“Verified unit of credit” or “verified credit” means credit awarded for a course in which a student earns a standard unit of credit and achieves a passing score on a corresponding end-of-course SOL test or an additional test approved by the Board of Education as part of the Virginia assessment program.

REGULATIONS ESTABLISHING STANDARDS FOR
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83 “Virginia assessment program” means a system used to evaluate student achievement that
84 includes Standards of Learning tests and other tests which may be approved from time to
85 time by the Board of Education.

86

<p>A definition section is a proposed addition to the regulations to consolidate terminology and to provide clarification of terminology used throughout the regulations.</p>

REGULATIONS ESTABLISHING STANDARDS FOR
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86 Part I

87 Purpose

88 8 VAC 20-131-10. Purpose.

89 The foremost purpose of public education in Virginia is to provide children with a quality
90 education giving them opportunities to meet their fullest potential in life. The standards
91 for the accreditation of public schools in Virginia are designed to ensure that an effective
92 educational program is established and maintained in Virginia's public schools. The
93 mission of the public education system is to educate students in the essential academic
94 knowledge and skills in order that they may be equipped for citizenship, work, and a
95 private life that is informed and free. The accreditation standards:

- 96 1. Provide an essential foundation of educational programs of high quality in all schools
97 for all students.
- 98 2. Encourage continuous appraisal and improvement of the school program for the
99 purpose of raising student achievement.
- 100 3. Foster public confidence.
- 101 4. Assure recognition of Virginia's public schools by other institutions of learning.
- 102 5. Establish a means of determining the effectiveness of schools.

103 Section 22.1-253.13:3 B of the Code of Virginia requires the Virginia Board of Education
104 (hereinafter "board") promulgate regulations establishing standards for accreditation.

105 The statutory authority for these regulations is delineated in §22.1-19 of the Code of
106 Virginia, which includes the requirement that the board shall provide for the accreditation

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107 of public elementary and secondary schools in accordance with regulations prescribed by
108 it.

109 These regulations govern public schools operated by local school boards providing
110 instruction to students as defined in 8 VAC 20-131-05. Other schools licensed under
111 other state statutes are exempt from these requirements.

112

Adding this paragraph would clarify that schools or programs solely for preschool age children or adults, and schools not operated by local school boards are not governed under these regulations.

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Part II

Philosophy, Goals, and Objectives

8 VAC 20-131-20. Philosophy, goals, and objectives.

A. Each school shall have a current philosophy, goals, and objectives that shall serve as the basis for all policies and practices and shall be developed using the following criteria:

1. The philosophy, goals, and objectives shall be developed with the advice of professional and lay people who represent the various populations served by the school and in consideration of the needs of the community and shall serve as a basis for the creation and review of the biennial school plan.

2. The school's philosophy, goals and objectives shall be consistent with the Standards of Quality.

3. The goals and objectives shall (i) be written in plain language so as to be understandable to noneducators, including parents; (ii) to the extent possible, be stated in measurable terms; and (iii) consist primarily of measurable objectives to raise student and school achievement in the core academic areas of the Standards of Learning (SOL), to improve student and staff attendance, to reduce student drop-out rates, to increase graduation rates, and to increase the quality of instruction through professional staff development and licensure.

4. The school staff and community representatives shall review annually the extent to which the school has met its prior goals and objectives, analyze the school's student performance data including data by grade level or academic department as necessary, and

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133 report these outcomes to the division superintendent and the community in accordance
134 with local school board policy. This report shall be in addition to the school report card
135 required by 8 VAC 20-131-270 B.

136

137 B. Copies of the school's philosophy, goals and objectives shall be available upon
138 request.

139

In subsection A language was added to the goals regarding the need to increase graduation rates.
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REGULATIONS ESTABLISHING STANDARDS FOR
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Part III

Student Achievement

8 VAC 20-131-30. Student achievement expectations.

A. Each student should learn the relevant grade level/course subject matter before promotion to the next grade. The division superintendent shall certify to the Department of Education that the division's promotion/retention policy does not exclude students from membership in a grade, or participation in a course, in which SOL tests are to be administered. Each school shall have a process, as appropriate, to identify and recommend strategies to address the learning, behavior, communication, or development of individual children who are having difficulty in the educational setting.

B. In kindergarten through eighth grade, where SOL tests are administered, each student shall be expected to take the ~~SOL tests;~~ students who are accelerated should take the tests for the grade level of the content received in instruction. Schools shall use the SOL test results in kindergarten through eighth grade as part of a set of multiple criteria for determining the promotion or retention of students. Students promoted to high school from eighth grade should have attained basic mastery of the Standards of Learning in English, history and social science, mathematics, and science and should be prepared for high school work. Students shall not be required to retake the SOL tests unless they are retained in grade and have not previously passed the related SOL tests, ~~or they participate~~

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~~in a remediation recovery program established by the board in English (Reading,
Literature, and Research) or mathematics or both.~~

C. In kindergarten through grade 8 ~~12~~, students may participate in a remediation recovery program as established by the board in English (Reading, ~~Literature and Research~~) or mathematics or both. ~~In grades 9 through 12, the remediation recovery program shall include all retakes of end-of-course SOL mathematics tests only. However, students in the ninth grade who are participants in a remediation recovery program may be retested on the eighth grade English (Reading, Literature and Research) and mathematics SOL tests.~~

D. The board recommends that students in kindergarten through grade 8 not be required to attend summer school or weekend remediation classes solely based on failing a SOL test in science or history/social science.

E. Each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction. Students who achieve a passing score on an end-of-course SOL test shall be awarded a verified unit of credit in that course in accordance with the provisions of 8 VAC 20-131-110 ~~B~~. Students may earn verified units of credit in any courses for which end-of-course SOL tests are available. Middle and secondary schools may consider the student's end-of-course SOL test score in determining the

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student's final course grade. However, no student who has failed an end-of-course SOL test but passed the related course shall be prevented from taking any other course in a content area and from taking the applicable end-of-course SOL test. The board may approve other additional tests to verify student achievement in accordance with guidelines adopted for verified units of credit described in 8 VAC 20-131-110 B.

F. Participation in the Virginia assessment program ~~SOL testing~~ by students with disabilities ~~will~~ shall be prescribed by provisions of their Individualized Education Program (IEP) or 504 Plan. All students with disabilities shall be assessed with appropriate accommodations and alternate assessments where necessary. ~~Beginning with the school year 2000-01, students with disabilities for whom participation in an alternate assessment is prescribed in their IEP shall demonstrate proficiency on that assessment.~~

G. All students identified as limited English proficient (LEP) shall participate in the Virginia assessment program. A school based committee shall convene and make determinations regarding the ~~Participation~~ participation of LEP students in SOL the Virginia assessment program ~~testing by students identified as limited English proficient (LEP) shall be guided by a school based committee convened to make such determinations.~~ In kindergarten through eighth grade, LEP students may be granted a

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200 one-time exemption from SOL testing in ~~each of the four core areas~~ the core academic
201 areas of science and history and social science.
202
203 H. Students identified as foreign exchange students taking courses for credit shall be
204 required to take the relevant Standards of Learning Virginia assessment program tests.
205 Foreign exchange students who are auditing courses and who will not receive a standard
206 unit of credit for such courses shall not be required to take the Standards of Learning tests
207 for those courses.

- In subsection B adding the language relating to the grade level of the content clarifies questions that have been raised over the years concerning how to handle students who are accelerated and receive instruction on different grade levels in different subjects.
- In subsection B striking the language “SOL” removes redundant language from the provision.
- In subsection C the terms “literature” and “research” are deleted since remediation recovery is only for the reading test, not the writing test.
- In subsection C the establishment of annual testing under the requirements of NCLB has affected the role of the remediation recovery program. The stricken language is no longer necessary.
- In subsection F adding the language regarding the Virginia assessment program clarifies that all such assessments hold students and schools accountable for student achievement. Language has also been added regarding students with disabilities who have § 504 plans. Obsolete language has been deleted.
- In subsection G language is modified for clarity.
- In the new subsection H language has been added to address the participation of foreign exchange students in the statewide assessment program.

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208 ~~8 VAC 20-131-40. Literacy Passport Tests. (Repealed)~~

209 ~~Students who were in the eighth grade or above in the 1998-99 school year shall be~~
210 ~~required to pass the Literacy Passport Tests in order to receive a Standard or Advanced~~
211 ~~Studies Diploma from a Virginia public school.~~

212 ~~In order to receive a graded status, such students must pass the Literacy Passport Tests,~~
213 ~~except for students with disabilities who progress according to the goals of their~~
214 ~~Individualized Education Program (IEP).~~

215 ~~Students who are not eligible for graded status shall be enrolled in appropriate programs~~
216 ~~leading to passing of the Literacy Passport Tests and one or more of the following:~~

- 217 ~~1. High school diploma;~~
218 ~~2. General Educational Development (GED) credential;~~
219 ~~3. Certificate of Program Completion; and~~
220 ~~4. Job entry skills.~~

221

The Code of Virginia no longer requires Literacy Passport Tests, and they are no longer administered.

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221 8 VAC 20-131-50. Requirements for graduation.

222 A. The requirements for a student to earn a diploma from a Virginia high school shall be
223 those in effect when that student enters the ninth grade for the first time. Students ~~may~~
224 shall be awarded a diploma ~~or certificate~~ upon graduation from a Virginia high school.

225 When students below the ninth grade successfully complete courses offered for credit in
226 grades 9 through 12, credit shall be counted toward meeting the standard units required
227 for graduation provided the courses ~~meet SOL content requirements or~~ are equivalent in
228 content and academic rigor as those courses offered at the secondary level. To earn a
229 verified unit of credit for these courses, students must meet the requirements of 8 VAC
230 20-131-110 B.

231 The following requirements shall be the only requirements for a diploma, unless a local
232 school board has prescribed additional requirements ~~which~~ that have been approved by
233 the ~~board~~ Board of Education. All additional requirements prescribed by local school
234 boards, and in effect as of June 30, 1997, ~~are approved to continue those requirements~~
235 ~~pending further action by the board~~ have been approved by the Board of Education to
236 remain in effect until such time as the local school board submits a request to amend or
237 discontinue them. ~~The requirements for Certificates of Program Completion are~~
238 ~~developed by local school boards in accordance with the Standards of Quality.~~

240 B. Requirements for a Standard Diploma.

241

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~~1. Beginning with the ninth grade class of 1998-99, students shall earn the standard units of credit outlined in subdivision 4 of this subsection.~~

~~2. During a transition period applicable only to the ninth grade classes of 2000-01, 2001-02, and 2002-03, students shall earn the standard units of credit described in subdivision 4 of this subsection and the following number of verified units of credit (8VAC 20-131-110):~~

~~a. English—two;~~

~~b. Four additional verified units of credit of the student's own choosing.~~

3 1. Beginning with the ninth grade classes of 2003-04 and beyond, students shall earn the required standard and verified units of credit described in subdivision 4-2 of this subsection.

4-2. Credits required for graduation with a Standard Diploma.

Discipline Area	Standard Units of Credit	Verified Credits
	Required	Required
English	4	2
Mathematics ¹	3	1
Laboratory Science ^{2, 6}	3	1
History and Social Sciences ^{3, 6}	3	1
Health and Physical Education	2	
Fine Arts or Practical Arts <u>Career and Technical Education</u>	1	
Electives ⁴	6	
Student Selected Test ⁵		1
Total	22	6

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FN1 Courses completed to satisfy this requirement shall be at or above the level of algebra and shall include at least two course selections from among: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of algebra and geometry. The board may approve additional courses to satisfy this requirement.

FN2 Courses completed to satisfy this requirement shall include course selections from at least two different science disciplines: earth sciences, biology, chemistry, or physics. The board may approve additional courses to satisfy this requirement.

FN3 Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and one world history/geography course in either world history or geography or both course. ~~Courses which satisfy the world history/geography requirement are: (i) World History, (ii) World Geography, (iii) World History and Geography Part I, (iv) World History and Geography Part II, or (v) a semester course of World History Part I and a semester course of World Geography.~~ The board may approve additional courses to satisfy this requirement.

FN4 ~~Beginning with the graduating class of 2003, courses~~ Courses to satisfy this requirement shall include at least two sequential electives as required by the Standards of Quality.

FN5 A student may utilize additional tests for earning verified credit in computer science, technology, career and technical education or other areas as prescribed by the board in 8 VAC 20-131-110-B.

FN6 Students who complete a career and technical program sequence and pass an examination or occupational competency assessment in a career and technical education field that confers certification or an occupational competency credential from a recognized industry, or trade or professional association or acquires a professional license in a career and technical education field from the Commonwealth of Virginia may substitute the certification, competency credential, or license for (1) the student selected verified credit and (2) either a science or history and social science verified credit when the certification, license, or credential confers more than one verified credit. The examination or occupational competency assessment must be approved by the Board of Education as an additional test to verify student achievement.

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279

280 Students completing the requirements for the Standard Diploma may be eligible to
281 receive an honor deemed appropriate by the local school board as described in subsection
282 I of this section.

283

284 C. Requirements for an Advanced Studies Diploma.

285 ~~1. Beginning with the ninth grade class of 1998-99, students shall earn the standard units~~
286 ~~of credit outlined in subdivision 2 of this subsection. Beginning with the ninth grade class~~
287 ~~of 2000-01, students shall earn the standard and verified units of credit outlined in~~
288 ~~subdivision 2 of this subsection.~~

289 ~~2. Credits required for graduation with an Advanced Studies Diploma.~~

Discipline Area	Standard Units of Credit	Verified Credits
	Required	Required
English	4	2
Mathematics ¹	4	2
Laboratory Science ²	4	2
History and Social Sciences ³	4	2
Foreign Language ⁴	3	
Health and Physical Education	2	
Fine Arts or Practical Arts <u>Career and Technical Education</u>	1	
Electives	2	
Student Selected Test ⁵		1
Total	24	9

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FN1 Courses completed to satisfy this requirement shall be at or above the level of algebra and shall include at least three different course selections from among: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of Algebra II. The board may approve additional courses to satisfy this requirement.

FN2 Courses completed to satisfy this requirement shall include course selections from at least three different science disciplines from among: earth sciences, biology, chemistry, or physics or completion of the sequence of science courses required for the International Baccalaureate Diploma. The board may approve additional courses to satisfy this requirement.

FN3 Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and two ~~world history/geography courses in either world history or geography or both.~~ courses. Acceptable courses to satisfy the world history/geography requirements include: (i) World History and World Geography; (ii) World History and Geography Part I, and World History and Geography Part II; or (iii) a semester course of World Geography, a semester course of World History Part I, and a year long course of World History Part II. The board may approve additional courses to satisfy this requirement.

FN4 Courses completed to satisfy this requirement shall include ~~Three~~ three years of one language or two years of two languages.

FN5 A student may utilize additional tests for earning verified credit in computer science, technology, career or technical education or other areas as prescribed by the board in 8 VAC20-131-110.

Students completing the requirements for the Advanced Studies Diploma may be eligible to receive an honor deemed appropriate by the local school board as described in subsection F of this section.

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D. Requirements for the Modified Standard Diploma.

1. Every student shall be expected to pursue a Standard Diploma or Advanced Studies Diploma. The Modified Standard Diploma program is intended for certain students at the secondary level who have a disability and are unlikely to meet the credit requirements for a Standard Diploma. Eligibility and participation in the Modified Standard Diploma program shall be determined by the student's ~~Individual~~ Individualized Education Program (IEP) team ~~and~~ including the student, where appropriate, at any point after the student's eighth grade year.

~~2. The school must secure the informed written consent of the parent/guardian and the student to choose this diploma program after review of the student's academic history and the full disclosure of the student's options.~~

~~3. The student who has chosen to pursue a Modified Standard Diploma shall also be allowed to pursue the Standard or Advanced Studies Diploma at any time throughout that student's high school career, and the student must not be excluded from courses and tests required to earn a Standard or Advanced Studies Diploma.~~

~~4.2. Beginning with the ninth grade class of 2000-01, students~~ Students pursuing the Modified Standard Diploma shall pass literacy and numeracy competency assessments prescribed by the board.

~~5.3.~~ Credits required for graduation with a Modified Standard Diploma.

334

Discipline Area	Standard Units of Credit
	Required
English	4
Mathematics ¹	3
Science ²	2
History and Social Sciences ³	2
Health and Physical Education	2
Fine Arts or Practical Arts <u>Career and Technical Education</u>	1
Electives ⁴	6
Total	20

335 FN1Courses completed to satisfy this requirement shall include content from among applications of

336 algebra, geometry, personal finance, and statistics in courses that have been approved by the board.

337 FN2Courses completed shall include content from at least two of the following: applications of earth

338 science, biology, chemistry, or physics in courses approved by the board.

339 FN3Courses completed to satisfy this requirement shall include one unit of credit in U.S. and Virginia

340 History and one unit of credit in U.S. and Virginia Government in courses approved by the board.

341 ~~FN4Beginning with the graduating class of 2003, courses~~ Courses to satisfy this requirement shall include

342 at least two sequential electives in the same manner required for the Standard Diploma.

343

344 ~~65.~~ The student must meet any additional criteria established by the ~~board~~ Board of

345 Education.

346

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E. In accordance with the requirements of the Standards of Quality, students with disabilities who complete the requirements of their Individualized Education Program (IEP) and do not meet the requirements for other diplomas shall be awarded Special Diplomas.

F. In accordance with the requirements of the Standards of Quality, students who complete prescribed programs of studies defined by the local school board but do not qualify for Standard, Advanced Studies, Modified Standard, or General Achievement diplomas shall be awarded Certificates of Program Completion. The requirements for Certificates of Program Completion are developed by local school boards in accordance with the Standards of Quality. Students receiving a general achievement diploma shall comply with 8 VAC 20-680-10 et seq., *Regulations Governing the General Achievement Diploma*.

G. In accordance with the provisions of the compulsory attendance law and 8 VAC 20-360-10 et seq., *Regulations Governing General Education Development Certificates*, students who do not qualify for diplomas may earn a high school equivalency credential.

H. At a student's request, the local school board shall communicate or otherwise make known to institutions of higher education, potential employers, or other applicable third parties, in a manner that the local school board deems appropriate, that a student has

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attained the state's academic expectations by earning a Virginia diploma and that the value of such a diploma is not affected in any way by the accreditation status of the student's school.

I. Awards for exemplary student performance. Students who demonstrate academic excellence and/or outstanding achievement may be eligible for one of the following awards:

1. Students who complete the requirements for an Advanced Studies Diploma with an average grade of "B" or better, and successfully complete college-level course work that will earn the student at least 15 transferable college credits in at least one advanced placement course Advanced Placement (AP), international baccalaureate International Baccalaureate (IB), or Cambridge, or dual enrollment courses one college-level course for credit, ~~will~~ shall receive the Governor's Seal on the diploma.

2. Students who complete the requirements for a Standard Diploma or Advanced Studies Diploma with an average grade of "A" ~~will~~ shall receive a Board of Education Seal on the diploma.

3. The Board of Education's Career and Technical Education Seal will be awarded to students who earn a Standard or Advanced Studies Diploma and complete a prescribed sequence of courses in a career and technical education concentration or specialization that they choose and maintain a "B" or better average in those courses; or (i) pass an examination or an occupational competency assessment in a career and technical

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education concentration or specialization that confers certification or occupational
competency credential from a recognized industry, trade or professional association or
(ii) acquire a professional license in that career and technical education field from the
Commonwealth of Virginia.

4. The Board of Education's Seal of Advanced Mathematics and Technology will be
awarded to students who earn either a Standard or Advanced Studies Diploma and (i)
satisfy all of the mathematics requirements for the Advanced Studies Diploma (four units
of credit including Algebra II; two verified units of credit) with a "B" average or better;
and (ii) either (a) pass an examination in a career and technical education field that
confers certification from a recognized industry, or trade or professional association; (b)
acquire a professional license in a career and technical education field from the
Commonwealth of Virginia; or (c) pass an examination approved by the board that
confers college-level credit in a technology or computer science area.

5. The Board of Education's Seal for Excellence in Civics Education will be awarded to
students who earn either a Standard or Advanced Studies Diploma and: i) Complete
Virginia and United States History and Virginia and United States Government courses
with a grade of "B" or higher; and, ii) Have good attendance and no disciplinary
infractions as determined by local school board policies and, iii) Complete 50 hours of
voluntary participation in community service or extracurricular activities. Activities that
would satisfy the requirements of iii) include: a) Volunteering for a charitable or religious
organization that provides services to the poor, sick or less fortunate; b) Participating in

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Boy Scouts, Girl Scouts, or similar youth organizations; c) Participating in JROTC; d) Participating in political campaigns or government internships, or Boys State, Girls State, or Model General Assembly; or e) Participating in school-sponsored extracurricular activities that have a civics focus. Any student who enlists in the United States military prior to graduation will be deemed to have met this community service requirement.

56. Students may receive other seals or awards for exceptional academic, career and technical, citizenship, or other exemplary performance in accordance with criteria defined by the local school board.

J. Students completing graduation requirements in a summer school ~~accredited under this chapter program~~ shall be eligible for a diploma. The last school attended by the student during the regular session shall award the diploma unless otherwise agreed upon by the principals of the two schools.

K. Students who complete ~~advanced placement~~ Advanced Placement, college-level, or courses required for an International Baccalaureate Diploma shall be deemed to have completed the requirements for graduation under these standards provided they have earned the standard units of credit and earned verified units of credit in accordance with the requirements of subsections B and C of this section.

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430 L. Students shall be counseled annually regarding the opportunities for using additional
431 tests for earning verified credits as provided in accordance with the provisions of
432 8VAC20-131-110 B, and the consequences of failing to fulfill the obligations to complete
433 the requirements for verified units of credit.

- 434
- Language in subsection A regarding Certificates of Program Completion has been moved to subsection F since such certificates are not diplomas. Additional language is modified for clarification.
 - Additional revisions to subsection A remove obsolete language.
 - In subsection A language regarding additional requirements for a diploma is included due to action taken by the Board of Education in 2000 to extend the approval of existing additional requirements indefinitely or until changed by the local school board.
 - In the various diploma requirements charts the term “Practical arts” is changed to “career and technical” to update and clarify terminology.
 - The proposed revisions to subsection B.1 remove obsolete language.
 - The new footnote number 6 in subsection B provides an incentive for students to complete a career and technical program and pursue professional certification as an alternative to the requirement of having to earn verified credits in academic areas.
 - The proposed revisions to subsection C remove obsolete language.
 - In footnote 3 language listing courses has been removed for clarity.
 - In footnote 4 language is added for parallelism with the structure of the other footnotes.
 - In subsection D terminology is corrected regarding the IEP.
 - The deleted language in subsection D removes redundant language requiring written consent. The preceding provision requires the IEP team to make the decision regarding a student’s pursuit of the Modified Standard Diploma. In Virginia, a parent is required to provide written consent to implementation of an IEP pursuant to the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* at 8 VAC 20-80-10 et seq.
 - Language is reorganized in subsection D removes to emphasize that the Standard or Advanced Studies diploma shall be pursued by all students unless an IEP team determines a student with a disability is unlikely to meet credit requirements for such diplomas. The IEP team must determine that a student with a disability will pursue a Modified Standard Diploma.
 - In subsection F language is added to identify all of Virginia’s diploma types in accordance with the SOQ.
 - Language is added in subsection I.1. to increase the requirements for students to receive the Governor’s Seal on their diploma. New requirements incorporate the Early College Scholars program criteria for the seal.
 - Language in I.2. is amended to award the Board of Education seal to students with an A average who achieve the Advanced Studies Diploma. Language is also added to this section to add the Excellence in Civic Education Seal to the list and description of available awards pursuant to General Assembly action in § 22.1-253.13:4.
 - In subsection I. 3. the inclusion of occupational competency assessments in the Standards of Accreditation is made pursuant to SJ 403 of the 2005 General Assembly, which calls for the study of the permanent use of industry certifications and state tests for the award of verified units of credit.

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8 VAC 20-131-60. Transfer of ~~credits~~ students.

A. The provisions of this section pertain generally to students who transfer into Virginia high schools. Students transferring in grades K-8 shall be placed in grade in accordance with policies adopted by the local school board.

~~A. B.~~ For the purposes of this section, the term "beginning" means within the first 20 hours of instruction per course. The term "during" means after the first 20 hours of instruction per course.

C. Standard or verified units of credit earned by a student in a Virginia public school shall be transferable without limitation regardless of the accreditation status of the Virginia public school in which the credits were earned. Virginia public schools shall accept standard and verified units of credit from other Virginia public schools and state operated programs. Standard units of credit also shall be accepted for courses satisfactorily completed in accredited colleges and universities when prior written approval of the principal has been granted or the student has been given credit by the previous school attended.

~~B. D.~~ A secondary school shall accept credits toward graduation received from other ~~accredited secondary~~ schools accredited by any of the accrediting agencies recognized by the U.S. Department of Education, including and schools accredited through by one of

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the constituent members of the Virginia Council for Private Education (VCPE). The
~~board~~ Board of Education will maintain contact with the VCPE ~~to~~ and may periodically
review its accrediting procedures and policies ~~on a periodic basis~~ as part of its policies
under this section.

Students transferring into a Virginia public school shall be required to meet the
requirements prescribed in 8VAC20-131-50 to receive a Standard, Advanced Studies, or
Modified Standard Diploma, except as provided by subsection ~~F~~ G of this section. To
receive a Special Diploma or Certificate of Program Completion, a student must meet the
requirements prescribed by the Standards of Quality. Students who transfer from schools
accredited by other non-recognized agencies shall have their records evaluated by the
receiving school in accordance with 8 VAC 20-131-60 F.

~~C. Standard or verified units of credit earned by a student in a Virginia public school~~
~~shall be transferable without limitation regardless of the accreditation status of the~~
~~Virginia public school in which the credits were earned.~~

~~D. Records of transferred students~~ The academic record of a student transferring from
other Virginia public schools shall be sent directly to the school receiving the student
upon request of the receiving school in accordance with the provisions of the
8 VAC 20-150-10 et seq., Management of the Student's Scholastic Records in Virginia.

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~~E-F.~~ The academic record of a student transferring into Virginia public schools from other than a Virginia public school, shall be evaluated to determine the number of standard units of credit that have been earned, including credit from schools outside the United States, and the number of verified units of credit needed to graduate in accordance with subsection ~~F~~ G of this section. ~~Virginia public schools shall accept standard and verified units of credit from other Virginia public schools and state-operated programs.~~ Standard units of credit also shall be accepted for courses satisfactorily completed in accredited colleges and universities when ~~prior written approval of the principal has been granted or~~ the student has been given credit by the previous school attended.

Students transferring above the tenth grade from schools or other education programs that do not require or give credit for health and physical education shall not be required to take these courses to meet graduation requirements.

~~F~~ G. Students entering a Virginia public high school for the first time after the tenth grade shall ~~be encouraged to~~ earn as many credits as possible toward the graduation requirements prescribed in 8 VAC 20-131-50. However, schools may substitute courses required in other states in the same content area if the student is unable to meet the specific content requirements of 8 VAC 20-131-50 without taking a heavier than normal course load in any semester, by taking summer school, or by taking courses after the time when he otherwise would have graduated. In any event, no such student shall earn fewer

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than the following number of verified units, nor shall such students be required to take SOL tests or additional tests as defined in 8 VAC 20-131-110 ~~B~~ for verified units of credit in courses previously completed at another school or program of study, unless necessary to meet the requirements listed in subdivisions 1 and 2 of this subsection:

1. For a Standard Diploma:

a. Students entering a Virginia high school for the first time during the ninth grade or at the beginning of the tenth grade shall earn credit as prescribed in 8VAC 20-131-50;

b. Students entering a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade shall earn a minimum of four verified units of credit: one each in English, mathematics, history, and science ~~except that during the transition period 2000-01 through 2002-03, students shall earn one in English and three of the student's own choosing; and~~

c. Students entering a Virginia high school for the first time during the eleventh grade or at the beginning of the twelfth grade shall earn a minimum of two verified units of credit: one in English and one of the student's own choosing.

2. For an Advanced Studies Diploma:

a. Students entering a Virginia high school for the first time during the ninth grade or at the beginning of the tenth grade shall earn credit as prescribed in 8VAC 20-131-50;

b. Students entering a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade shall earn a minimum of six verified units of credit:

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two in English and one each in mathematics, history, and science and one of the student's own choosing; and

c. Students entering a Virginia high school for the first time during the eleventh grade or at the beginning of the twelfth grade shall earn a minimum of four verified units of credit: one in English and three of the student's own choosing.

~~G~~ H. Students entering a Virginia high school for the first time after the first semester of their eleventh grade year must meet the requirements of subdivision ~~F~~ G1 c or ~~F~~ G2 c of this section. Students transferring after 20 instructional hours per course of their senior or twelfth grade year shall be given every opportunity to earn a Standard, Advanced Studies, or Modified Standard Diploma. If it is not possible for the student to meet the requirements for a diploma, arrangements should be made for the student's previous school to award the diploma. If these arrangements cannot be made, a waiver of the verified unit of credit requirements may be available to the student. The Department of Education may grant such waivers upon request by the local school board in accordance with guidelines prescribed by the ~~board~~ Board of Education.

~~H~~ I. Any local school division receiving approval to increase its course credit requirements for a diploma may not deny either the Standard, Advanced Studies, or Modified Standard Diploma to any transfer student who has otherwise met the requirements contained in these standards if the transfer student can only meet the

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division's additional requirements by taking a heavier than normal course load in any semester, by taking summer school, or by taking courses after the time when he otherwise would have graduated.

~~I~~ J. The transcript of a student who graduates or transfers from a Virginia secondary school shall conform to the requirements of 8 VAC 20-160-10 et seq., *Regulations Governing Secondary School Transcripts*.

~~J~~ K. The accreditation status of a high school shall not be included on the student transcript provided to colleges, universities, or employers. The board expressly states that any student who has met the graduation requirements established in 8VAC 20-131-50 and has received a Virginia diploma holds a diploma that should be recognized as equal to any other Virginia diploma of the same type, regardless of the accreditation status of the student's high school. It is the express policy of the board that no student shall be affected by the accreditation status of the student's school. The board shall take appropriate action, from time to time, to ensure that no student is affected by the accreditation status of the student's school.

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555

- Modifications to 8 VAC 20-131-60 reflect a reorganization of some of the language of the regulation for clarification.
- Language changes to subsection A will clarify to parents of students entering Virginia schools below the high school level that placement in grade is the responsibility of local school boards. Many parents particularly those coming from non-accredited private schools and home-schooling have questioned the Department of Education over the years as to why there is no state policy.
- In the new subsection C this language clarifies specifically the accrediting agencies approved by USED are automatically acceptable for transfer credit. Students who transfer from schools accredited by other non-recognized agencies will have their records evaluated by the receiving school in accordance with 8 VAC 20-131-60.E.
- In the new subsection G the language “be encouraged to” is eliminated because it is not enforceable regulatory language.
- In the new subsection G language is added to clarify options for schools to determine what transfer students need to complete the requirements for a diploma. Guidance counselors and central office personnel stated that they did not understand the intent of this provision when working with transfer students.
- In the new subsection G. 1.b. obsolete language is deleted.

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555 Part IV

556 School Instructional Program

557 8 VAC 20-131-70. Program of instruction and learning objectives.

558 A. Each school shall provide a program of instruction that promotes individual student
559 academic achievement in the essential academic disciplines and shall provide additional
560 instructional opportunities that meet the abilities, interests, and educational needs of
561 students. Each school shall establish learning objectives to be achieved by students at
562 successive grade levels that meet or exceed the knowledge and skills contained in the
563 Standards of Learning for English, mathematics, science, and history/social science
564 adopted by the board and shall continually assess the progress of each student in relation
565 to the objectives.

566

567 B. Instruction shall be designed to accommodate all students, including those identified
568 with disabilities in accordance with the Individuals with Disabilities Education Act or
569 § 504 of the Rehabilitation Act, as amended, those identified as gifted/talented, and those
570 who have limited English proficiency. Each school shall provide students identified as
571 gifted/talented with instructional programs taught by teachers with special training or
572 experience in working with gifted/talented students. Students with disabilities shall have
573 the opportunity to receive a full continuum of education services, in accordance with
574 8 VAC20-180 ~~80~~-10 et seq., *Regulations Governing Special Education Programs for*
575 *Children with Disabilities in Virginia* and other pertinent federal and state regulations.

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576

- In subsection B language is added to emphasize students with disabilities may be those identified under IDEA or § 504.
- In subsection B a correction of typographical error is made to the regulatory citation.

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8 VAC 20-131-80. Instructional program in elementary schools.

A. The elementary school shall provide each student a program of instruction which corresponds to the Standards of Learning for English, mathematics, science, and history/social science. In addition, each school shall provide instruction in art, music, and physical education and health, ~~and shall provide students with a daily recess during the regular school year as determined appropriate by the school.~~

B. In kindergarten through grade 3, reading, writing, spelling, and mathematics shall be the focus of the instructional program. Schools shall maintain, in a manner prescribed by the board, an early skills and knowledge achievement record in reading and math for each student in grades kindergarten through grade 3 to monitor student progress and to promote successful achievement on the third grade SOL tests. This record shall be included with the student's records if the student transfers to a new school.

C. To provide students with sufficient opportunity to learn, a minimum of 75% of the annual instructional time of 990 hours shall be given to instruction in the disciplines of English, mathematics, science, and history/social science. Students who are not successfully progressing in early reading proficiency or who are unable to read with comprehension the materials ~~necessary~~ used for instruction shall receive additional instructional time in reading, which may include summer school.

- In subsection A language regarding recess was moved to 8 VAC 20-131-200 to clarify that recess is not to be counted as instructional time.
- Language in subsection C is added to parallel language formerly in 8 VAC 20-131-160 to emphasize the importance of reading in the school curriculum at all levels.

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596 8 VAC 20-131-90. Instructional program in middle schools.

597 A. The middle school shall provide each student a program of instruction which
598 corresponds to the Standards of Learning for English, mathematics, science, and
599 history/social science. In addition, each school shall provide instruction in art, music,
600 foreign language, physical education and health, and career and technical exploration.

601

602 B. The middle school shall provide a minimum of eight courses to students in the eighth
603 grade. English, mathematics, science, and history/social science shall be required. Four
604 elective courses shall be available: level one of a foreign language, one in health and
605 physical education, one in fine arts, and one in career and technical exploration.

606

607 C. Level one of a foreign language and an Algebra I course shall be available to all eighth
608 grade students. For any high school credit-bearing course taken in middle school, parents
609 may request that grades be omitted from the student's transcript and the student not earn
610 high school credit for the course in accordance with policies adopted by the local school
611 board. Notice of this provision must be provided to parents with a deadline and format for
612 making such a request. Nothing in ~~this chapter~~ these regulations shall be construed to
613 prevent a middle school from offering any other credit-bearing courses for graduation.

614

615 D. To provide students a sufficient opportunity to learn, each student shall be provided
616 140 clock hours per year of instruction in each of the four disciplines of English, math,

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617 science, and history/social science. Sixth grade students may receive an alternative
618 schedule of instruction provided each student receives at least 560 total clock hours of
619 instruction in the four academic disciplines.

620

621 E. Each school shall ensure that students who are unable to read with comprehension the
622 materials used for instruction receive additional instruction in reading, which may include
623 summer school.

624

- In subsection C Algebra I has been added to the course that must be available to 8th graders.
- Language in new subsection E has been moved from 8 VAC 20-131-160 to emphasize the importance of reading in the school curriculum at all levels.

REGULATIONS ESTABLISHING STANDARDS FOR
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624 8 VAC 20-131-100. Instructional program in secondary schools.

625 A. The secondary school shall provide each student a program of instruction in the
626 academic areas of English, mathematics, science, and history/social science that enables
627 each student to meet the graduation requirements described in 8 VAC 20-131-50 and
628 shall offer opportunities for students to pursue a program of studies in ~~academics~~ foreign
629 languages, fine arts, and career and technical areas including:

- 630 1. Career and technical education choices that prepare the student as a career and
631 technical education program completer in one of three or more occupational areas and
632 that prepare the student for technical or preprofessional postsecondary programs;
633 2. Course work and experiences that prepare the student for college-level studies
634 including access to at least ~~two~~ three advanced placement Advanced Placement courses
635 or ~~two~~ three college-level courses for degree credit, or any combination thereof;
636 3. Preparation for college admissions tests; and
637 4. Opportunities to study and explore the fine arts and foreign languages.

638

639 B. Minimum course offerings for each secondary school shall provide opportunities for
640 students to meet the graduation requirements stated in 8 VAC 20-131-50 and must
641 include:

642

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642

English	4
Mathematics	4
Science (Laboratory)	4
History and Social Sciences	4
Foreign Language	3
Electives	4
Career and Technical Education	11
Fine Arts	2
Health and Physical Education	2
Total Units	38

643

644 C. Classroom driver education may count for 36 class periods of health education.

645 Students shall not be removed from classes other than health and physical education for
646 the in-car phase of driver education.

647

648 D. Each school shall ensure that students who are unable to read with comprehension the
649 materials used for instruction receive additional instruction in reading, which may include
650 summer school.

651

- Language in subsection A was amended to require providing students access to at least three Advanced Placement courses or three college-level courses for credit to make it possible for students to earn the Governor's Early College Scholars Seal on the advanced studies diploma.
- Language in new subsection D has been moved from 8 VAC 20-131-160 to emphasize the importance of reading in the school curriculum at all levels.

REGULATIONS ESTABLISHING STANDARDS FOR
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651 8 VAC 20-131-110. Standard and verified units of credit.

652 A. The standard unit of credit for graduation shall be based on a minimum of 140 clock
653 hours of instruction and successful completion of the requirements of the course. When
654 credit is awarded in less than whole units, the increment awarded must be no greater than
655 the fractional part of the 140 hours of instruction provided. If a school division elects to
656 award credit ~~in a noncore academic course~~ on a basis other than the 140 clock hours of
657 instruction required for a standard unit of credit defined in this subsection, the local
658 school division shall develop a written policy approved by the superintendent and school
659 board which ensures:

660 1. That the content of the course for which credit is awarded is comparable to 140 clock
661 hours of instruction; and

662 2. That upon completion, the student will have met the aims and objectives of the course.
663

664 B. A verified unit of credit for graduation shall be based on a minimum of 140 clock
665 hours of instruction, successful completion of the requirements of the course, and the
666 achievement by the student of a passing score on the end-of-course SOL test for that
667 course or additional tests as described in this subsection. A student may also earn a
668 verified unit of credit by the following methods:

669 1. In accordance with the provisions of the Standards of Quality, students may earn a
670 standard and verified unit of credit for any elective course in which the core academic
671 SOL course content has been integrated and the student passes the related end-of-course

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SOL test. Such course and test combinations must be approved by the ~~board~~ Board of Education.

2. Upon the recommendation of the division superintendent and demonstration of mastery of course content and objectives, qualified students may receive a standard unit of credit and be permitted to sit for the relevant SOL test to earn a verified credit without having to meet the 140-clock-hour requirement.

3. Students who do not pass Standards of Learning tests in science or history and social science may be awarded verified credits by the local school board in accordance with criteria established in guidelines adopted by the Board of Education.

C. The ~~board~~ Board of Education may from time to time approve additional tests for the purpose of awarding verified credit. Such additional tests, which enable students to earn verified units of credit, must, at a minimum, meet the following criteria:

1. The test must be standardized and graded independently of the school or school division in which the test is given;

2. The test must be knowledge based;

3. The test must be administered on a multistate or international basis, or administered as part of another state's accountability assessment program; and

4. To be counted in a specific academic area, the test must measure content that incorporates or exceeds the SOL content in the course for which verified credit is given.

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693 The ~~board~~ Board of Education will set the score that must be achieved to earn a verified
694 unit of credit on the additional test options.

695

696 D. With such funds as are appropriated by the General Assembly, the ~~board~~ Board of
697 Education will provide opportunities for students who meet criteria adopted by the board
698 to have an expedited retake of ~~an end-of-course~~ a SOL test to earn verified credit or to
699 meet literacy and numeracy requirements for the Modified Standard Diploma.

700

701 ~~C. A school employing a scheduling configuration of less than 140 clock hours per core~~
702 ~~academic course may retain that scheduling configuration through the end of the 2000-01~~
703 ~~school year unless a waiver is granted by the board under the provisions of 8VAC20-131-~~
704 ~~325-B or 8VAC20-131-330. If the school does not comply following the end of the 2000-~~
705 ~~01 school year, the board may take appropriate action which may include, but not be~~
706 ~~limited to, adjustment or withdrawal of the school's accreditation.~~

707

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707

- In subsection A striking the limitation to noncore academic courses makes this section consistent with the provisions of 8 VAC 20-131-180 Offsite instruction, and supports programs such as dual enrollment, virtual AP school, and other initiatives.
- In subsection B adding the proposed language in B.3. permits the continuation of locally-awarded verified credit in science and history. Locally awarded verified credits were originally provided for by Chapter 577 of the Acts of Assembly of 2002.
- In the new subsection C language is added to permit the board to approve tests for awarding verified credit that are from other states to assist transfer students with achieving credits for graduation. The Board is not required to accept tests from other states but may choose to.
- In subsection D language is added to clarify that students seeking a Modified Standard Diploma may have the opportunity for an expedited retake of a SOL assessment to complete literacy and numeracy requirements.
- The original subsection C contains obsolete language and has been deleted.

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707 8 VAC 20-131-120. Summer school.

708 A. The courses offered and the quality of instruction in the summer school program shall
709 be comparable to that offered during the regular school term. At the middle and
710 secondary school levels, credit for courses taken for credit toward graduation other than a
711 repeat course shall be awarded in accordance with the requirements of 8 VAC 20-131-
712 110. Students must also meet the requirements for SOL testing if appropriate.

713

714 B. At the middle and secondary school levels, credit for repeat courses ordinarily will be
715 granted on the same basis as that for new courses; however, with prior approval of the
716 principal, students may be allowed to enroll in repeat courses to be completed in no less
717 than 70 clock hours of instruction per unit of credit. Students must also meet the
718 requirements for SOL testing if appropriate.

719

720 C. Summer school instruction at any level, which is provided as part of a state-funded
721 remedial program, shall be designed to improve specific identified student deficiencies.
722 Such programs shall be conducted in accordance with regulations adopted by the board.

723

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- 723 8 VAC 20-131-130. Elective courses.
- 724 Locally developed elective courses offered for credit toward high school graduation shall
- 725 be approved by the division superintendent and local school board.
- 726

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8 VAC 20-131-140. College preparation programs and opportunities for postsecondary credit.

Each middle and secondary school shall provide for the early identification and enrollment of students in a college preparation program with a range of educational and academic experiences in and outside the classroom, including an emphasis on experiences that will motivate disadvantaged and minority students to attend college.

Beginning in the middle school years, students shall be counseled on opportunities for beginning postsecondary education and opportunities for obtaining industry certifications, occupational competency credentials, or professional licenses in a career and technical education field prior to high school graduation. Such opportunities shall include access to at least three Advanced Placement courses or three college-level courses for degree credit pursuant to 8 VAC 20-131-100. Students taking advantage of such opportunities shall not be denied participation in school activities for which they are otherwise eligible. Wherever possible, students shall be encouraged and afforded opportunities to take college courses simultaneously for high school graduation and college degree credit (dual enrollment), under the following conditions:

1. Written approval of the high school principal prior to participation in dual enrollment must be obtained;
2. The college must accept the student for admission to the course or courses; and

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746 3. The course or courses must be given by the college for degree credits (no remedial
747 courses will be accepted).

748

749 Schools that comply with this standard shall not be penalized in receiving state
750 appropriations.

751

- Language has been added to require the provision of counseling of students in obtaining industry certifications, occupational competency credentials, or professional licenses to help prepare students who may not attend an institution of higher education for entering the workforce.
- Language has been added to require students to have access to at least three AP courses or three college level courses.

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751 8 VAC 20-131-150. Standard school year and school day.
752 A. The standard school year shall be 180 days. The standard school day for students in
753 grades 1 through 12 shall average at least 5-1/2 hours, excluding breaks for meals and
754 recess, and a minimum of three hours for kindergarten. ~~School divisions may develop~~
755 ~~alternative schedules for meeting these requirements as long as a minimum of 990 hours~~
756 ~~of instructional time is provided for grades 1 through 12 and 540 hours for kindergarten.~~
757 ~~Such alternative plans must be approved by the local school board and by the board under~~
758 ~~guidelines established by the board. No alternative plan which reduces the instructional~~
759 ~~time in the core academics shall be approved.~~
760
761 B. All students in grades 1 through 12 shall maintain a full day schedule of classes (5-1/2
762 hours), unless a waiver is granted in accordance with policies defined by the local school
763 board.

764

- In subsection A language is eliminated to reduce confusion among school divisions. Section 22.1-79.1 of the Code provides for alternative schedules including four-day weeks for schools. Section 22.1-98 requires the length of every school's term in every school division to be 180 teaching days or 990 teaching hours in any school year. School divisions may elect to have longer school terms if they choose.
- The addition of the work "recess" is to emphasize that it should not be counted as instructional time.

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764 8 VAC 20-131-160. ~~Additional reading instruction.~~ (Repealed)

765 ~~Each school shall ensure that students who are unable to read with comprehension the~~

766 ~~materials necessary for instruction receive additional instruction in reading, which may~~

767 ~~include summer school.~~

768

<p>This language is being repealed and included in 8 VAC 20-131-80, 8 VAC 20-131-90, and 8 VAC 20-131-100 to emphasize the importance of reading in the school curriculum at all levels.</p>
--

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768 8 VAC 20-131-170. Family Life Education.

769 Each school may implement the Standards of Learning for the Family Life Education

770 program promulgated by the ~~board~~ Board of Education or a Family Life Education

771 program consistent with the guidelines developed by the board, which shall have the

772 goals of reducing the incidence of pregnancy and sexually-transmitted diseases and

773 substance abuse among teenagers.

774

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8 VAC 20-131-180. Off-site instruction.

A. Homebound instruction shall be made available to students who are confined at home or in a health care facility for periods that would prevent normal school attendance based upon certification of need by a licensed physician or licensed clinical psychologist. For students eligible for special education or related services, the Individualized Education Program committee must revise the IEP, as appropriate. Credit for the work shall be awarded when it is done under the supervision of a licensed teacher, a person eligible to hold a Virginia license, or other appropriately licensed professional employed by the local school board, and there is evidence that the ~~meets the~~ instructional time requirements or alternative means of awarding credit adopted by the local school board of in accordance with the provisions of 8 VAC 20-131-110 have been met.

B. Students may enroll in and receive a standard and verified unit of credit for supervised correspondence courses with prior approval of the principal. Standard units of credit shall be awarded for the successful completion of such courses when the course is equivalent to that offered in the regular school program and the work is done under the supervision of a licensed teacher, or a person eligible to hold a Virginia license, approved by the local school board. Verified units of credit may be earned when the student has passed the SOL test associated with the correspondence course completed. The local school board shall develop policies governing this method of instruction in accordance with the provisions

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of 8 VAC 20-131-110 and the administration of required SOL tests prescribed by 8 VAC 20-131-30.

C. Schools are encouraged to pursue alternative means to deliver instruction to accommodate student needs through emerging technologies and other similar means. Standard units of credit shall be awarded for successful completion of such courses when the course is equivalent to that offered in the regular school program and the work is done under the supervision of a licensed teacher, or a person eligible to hold a Virginia teaching license and approved by the local school board. Verified units of credit may be earned when the student has successfully completed the requirements and passed the SOL test associated with the course. The local school board shall develop policies governing this method of delivery of instruction that shall include the provisions of 8 VAC 20-131-110 and the administration of required SOL tests prescribed by 8 VAC 20-131-30.

- This amendment to subsection A ensures that schools provide an adequate amount of instruction to homebound students at the middle and high school levels when credit is awarded. The guidelines for homebound instruction set a minimum for instructional time and, usually, that is what is provided.
- The addition to subsection C is to correct a clerical error.

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807 8 VAC 20-131-190. Library media, materials and equipment.

808 A. Each school shall maintain an organized library media center as the resource center of
809 the school and provide a unified program of media services and activities for students and
810 teachers before, during, and after school. The library media center shall contain hard
811 copy, electronic technological resources, materials, and equipment that are sufficient to
812 meet research, inquiry, and reading requirements of the instructional program and general
813 student interest.

814

815 B. Each school shall provide a variety of materials and equipment to support the
816 instructional program.

817

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817 8 VAC 20-131-200. Extracurricular and other school activities, recess.

818 A. School sponsored extracurricular activities shall be under the direct supervision of the

819 staff and shall contribute to the educational objectives of the school. Extracurricular

820 activities must be organized to avoid interrupting the instructional program.

821 Extracurricular activities shall not be permitted to interfere with the student's required

822 instructional activities. Extracurricular activities and eligibility requirements shall be

823 established and approved by the superintendent and the school board.

824

825 B. Competitive sports of a varsity nature (scheduled league games) shall be prohibited as

826 a part of the elementary school program.

827

828 C. Each elementary school shall provide students with a daily recess during the regular

829 school year as determined appropriate by the school.

830

Language regarding recess has been moved from the section on instructional programs in elementary schools to subsection C of this regulation to clarify that recess is not intended to be counted as instructional time.

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830 Part V

831 School and Instructional Leadership

832 8 VAC 20-131-210. Role of the principal.

833 A. The principal is recognized as the instructional leader of the school and is responsible
834 for effective school management that promotes positive student achievement, a safe and
835 secure environment in which to teach and learn, and efficient use of resources. As a
836 matter of policy, the board, through these standards, recognizes the critically important
837 role of principals to the success of public schools and the students who attend those
838 schools and recommends that local school boards provide principals with the maximum
839 authority available under law in all matters affecting the school including, but not limited
840 to, instruction and personnel, in a manner that allows the principal to be held accountable
841 in a fair and consistent manner for matters under his direct control.

842

843 B. As the instructional leader, the principal is responsible for ensuring that students are
844 provided an opportunity to learn and shall:

- 845 1. Protect the academic instructional time from unnecessary interruptions and disruptions
846 and enable the professional teaching staff to spend the maximum time possible in the
847 teaching/learning process by keeping to a minimum clerical responsibility and the time
848 students are out of class;
- 849 2. Ensure that the school division's student code of conduct is enforced and seek to
850 maintain a safe and secure school environment;

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3. Analyze the school's test scores annually, by grade and by discipline, to:
- a. Direct and require appropriate prevention, intervention, and/or remediation to those students performing below grade level or not passing the SOL tests;
 - b. Involve the staff of the school in identifying the types of staff development needed to improve student achievement and ensure that the staff participate in those activities; and
 - c. Analyze classroom practices and methods for improvement of instruction;
4. Ensure that students' records are maintained and that criteria used in making placement and promotion decisions, as well as any instructional interventions used to improve the student's performance, are included in the record;
5. Monitor and evaluate the quality of instruction, provide staff development, provide support that is designed to improve instruction, and seek to ensure the successful attainment of the knowledge and skills required for students by the SOL tests; and
6. Maintain records of students who drop out of school, including their reasons for dropping out and actions taken to prevent these students from dropping out.
7. Notify the parents of rising eleventh and twelfth grade students of:
- a. the number of standard and verified units of credit required for graduation; and
 - b. the remaining number of such units of credit the individual student requires for graduation.
- C. As the school manager, the principal shall:

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- 872 1. Work with staff to create an atmosphere of mutual respect and courtesy and to
873 facilitate constructive communication by establishing and maintaining a current
874 handbook of personnel policies and procedures;
- 875 2. Work with the community to involve parents and citizens in the educational program
876 and facilitate communication with parents by maintaining and disseminating a current
877 student handbook of policies and procedures that includes the school division's standards
878 of student conduct and procedures for enforcement, along with other matters of interest to
879 parents and students;
- 880 3. Maintain a current record of licensure, endorsement, and in-service training completed
881 by staff; and
- 882 4. Maintain records of receipts and disbursements of all funds handled. These records
883 shall be audited annually by a professional accountant approved by the local school
884 board.

885

Language is added to subsection B to address the provision in Standard 4 of the SOQ regarding the responsibility of local school boards to notify parents of student graduation requirements ([§22.1-253.13:4A.](#))

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885 8 VAC 20-131-220. Role of professional teaching staff.

886 The professional teaching staff shall be responsible for providing instruction that is
887 educationally sound in an atmosphere of mutual respect and courtesy, which is conducive
888 to learning, and in which all students are expected to achieve the objectives of the
889 Standards of Learning for the appropriate grade level or course. The staff shall:

890

891 1. Serve as role models for effective oral and written communication with special
892 attention to the correct use of language and spelling;

893 2. Strive to strengthen the basic skills of students in all subjects;

894 3. Establish teaching objectives to achieve the following:

895 a. Identify what students are expected to learn; and

896 b. Inform students of the achievement expected and keep them engaged in learning tasks;

897 4. Provide for individual differences of students through the use of differentiated
898 instruction, varied materials, and activities suitable to their interests and abilities; and

899 5. Assess the progress of students and report promptly and constructively to them and
900 their parents.

901

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901 8 VAC 20-131-230. Role of support staff.

902 The school's support staff shall work with the principal and professional teaching staff to
903 promote student achievement and successful attainment of the school's goals.

904

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- 904 8 VAC 20-131-240. Administrative and support staff; staffing requirements.
- 905 A. Each school shall have the staff as specified in the Standards of Quality with proper
- 906 licenses and endorsements for the positions they hold, ~~including:~~
- 907 ~~1. Principal; elementary: one half time to 299, one full time at 300; middle: one full time;~~
- 908 ~~secondary: one full time.~~
- 909 ~~2. Assistant principal; elementary: one half time at 600, one full time at 900; middle: one~~
- 910 ~~full time each 600; secondary: one full time each 600.~~
- 911 ~~3. Librarian; elementary: part time to 299, one full time at 300; middle: one half time to~~
- 912 ~~299, one full time at 300, two full time at 1,000; secondary: one half time to 299, one~~
- 913 ~~full time at 300, two full time at 1,000.~~
- 914 ~~4. Guidance counselors or reading specialists; elementary: one hour per day per 100, one~~
- 915 ~~full time at 500, one hour per day additional time per 100 or major fraction.~~
- 916 ~~5. Guidance counselor; middle: one period per 80, one full time at 400, one additional~~
- 917 ~~period per 80 or major fraction; secondary: one period per 70, one full time at 350, one~~
- 918 ~~additional period per 70 or major fraction.~~
- 919 ~~6. Clerical; elementary: part time to 299, one full time at 300; middle: one full time and~~
- 920 ~~one additional full time for each 600 beyond 200 and one full time for the library at 750;~~
- 921 ~~secondary: one full time and one additional full time for each 600 beyond 200 and one~~
- 922 ~~full time for the library at 750.~~
- 923

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924 B. The principal of each middle and secondary school shall be employed on a 12-month
925 basis.

926

927 C. Each secondary school with 350 or more students and each middle school with 400 or
928 more students shall employ at least one member of the guidance staff for 11 months.

929 Guidance counseling shall be provided for students to ensure that a program of studies

930 contributing to the student's academic achievement and meeting the graduation

931 requirements specified in 8 VAC 20-131-50 is being followed. In addition, the counseling

932 program shall provide for a minimum of 60% of the time of each member of the guidance

933 staff devoted to such counseling of students.

934

935 D. Middle school teachers in schools with a seven-period day may teach 150 student

936 periods per day or 30 class periods per week, provided all teachers with more than 25

937 class periods per week have one period per day or the equivalent unencumbered of any

938 teaching or supervisory duties.

939

940 E. The secondary classroom teacher's standard load shall be no more than 25 class

941 periods per week. One class period each day or the equivalent, unencumbered by

942 supervisory or teaching duties, shall be provided to every full-time classroom teacher for

943 instructional planning. Teachers of block programs with no more than 120 student

944 periods per day may teach 30 class periods per week. Teachers who teach very small

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classes may teach 30 class periods per week, provided the teaching load does not exceed 75 student periods per day. If a classroom teacher teaches 30 class periods per week with more than 75 student periods-per day, an appropriate contractual arrangement and compensation shall be provided.

F. Middle or secondary school teachers shall teach no more than 750 student periods per week; however, physical education and music teachers may teach 1,000 student periods per week.

~~G. Each school shall report the extent to which an unencumbered lunch is provided for all classroom teachers.~~

~~H.~~ G. Staff-student ratios in special and career and technical education classrooms shall comply with regulations of the board.

~~I.~~ H. Pupil Student services personnel services, including visiting teachers, school social workers, school psychologists, and guidance counselors, as defined in the Standards of Quality shall be available as necessary to promote academic achievement and to provide support services to the school.

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964

- Staffing requirements were codified into the SOQ several years ago. Language that is deleted in subsection A is duplicative of the SOQ language and unnecessary here.
- The SOQ was amended to provide for a daily planning period or the equivalent for all middle and high school teachers. The amendments in subsections D and C make the regulation consistent with the requirements of the SOQ.
- The original subsection G is deleted because schools are not required to provide an unencumbered lunch. There is no state requirement for an unencumbered lunch.
- The amendment in subsection I makes the language in the standard consistent with the language in the SOQ.

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964 8 VAC 20-131-250. [Repealed]

965

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965 Part VI

966 School Facilities and Safety

967 8 VAC 20-131-260. School facilities and safety.

968 A. Each school shall be maintained in a manner ensuring compliance with the Virginia
969 Uniform Statewide Building Code (13 VAC 5-61-10 et seq.) ~~and regulations of the board~~
970 ~~pertaining to facilities~~. In addition, the school administration shall:

- 971 1. Maintain a physical plant that is accessible, barrier free, safe, and clean;
- 972 2. Provide for the proper outdoor display of flags of the United States and of the
973 Commonwealth of Virginia;
- 974 3. Provide suitable space for classrooms, administrative staff, pupil personnel services,
975 library and media services, and for the needs and safety of physical education; and
- 976 4. Provide adequate, safe, and properly-equipped laboratories to meet the needs of
977 instruction in the sciences, technology, fine arts, and career and technical programs.
- 978 5. Provide facilities for the adequate and safe administration and storage of student
979 medications.

980

981 B. Each school shall maintain records of regular safety, health, and fire inspections that
982 have been conducted and certified by local health and fire departments. The frequency of
983 such inspections shall be determined by the local school board in consultation with the
984 local health and fire departments. In addition, the school administration shall:

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985 1. Equip all exit doors with panic hardware as required by the Uniform Statewide

986 Building Code (13 VAC 5-61-10 et seq.); and

988 2. Conduct fire drills at least once a week during the first month of school and at least

989 once each month for the remainder of the school term. Evacuation routes for students

990 shall be posted in each room. Additionally, at least one simulated lock-down and crisis

991 emergency evacuation activity should be conducted early in the school year.

993 C. Each school shall have contingency plans for emergencies that include staff certified

994 in cardiopulmonary resuscitation (CPR), the Heimlich maneuver, and emergency first

995 aid. In addition, the school administration shall ensure that the school has:

996 1. Written procedures to follow in emergencies such as fire, injury, illness, allergic

997 reactions, and violent or threatening behavior. The plan shall be outlined in the student

998 handbook and discussed with staff and students during the first week of each school year;

999 2. Space for the proper care of students who become ill; ~~and~~

1000 3. A written procedure, in accordance with guidelines established by the local school

1001 board, for responding to violent, disruptive or illegal activities by students on school

1002 property or during a school sponsored activity; ; and

1003 4. Written procedures to follow for the safe evacuation of persons with special physical,

1004 medical, or language needs who may need assistance to exit a facility.

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1005

- Language referencing Board of Education regulations pertaining to facilities is deleted since the board does not maintain any regulations that exceed the Uniform Statewide Building Code.
- The language in subsection A is added to emphasize the need for schools to have policies addressing the handling of student medications.
- The language in subsection C is added to emphasize the need for schools to have plans for evacuating persons who may need assistance due to special physical, or medical needs, or who may need assistance due to limited English proficiency.
- The language regarding allergic reactions is also added to subsection C to address the growing prevalence of student allergies and the dangers that they may pose if not addressed.

1005 Part VII

1006 School and Community Communications

1007 8 VAC 20-131-270. School and community communications.

1008 A. Each school shall promote communication and foster mutual understanding with
1009 parents and the community. Each school shall:

1010 1. Involve parents, citizens, community agencies, and representatives from business and
1011 industry in developing, disseminating, and explaining the biennial school plan; on
1012 advisory committees; in curriculum studies; and in evaluating the educational program.

1013 2. Provide annually to the parents and the community the School Performance Report
1014 Card in a manner prescribed by the board. The information contained therein will be for
1015 the most recent three-year period. Such information shall include but not be limited to:

1016 a. ~~SOL test scores and scores on the literacy and numeracy tests required for the Modified~~
1017 ~~Standard Diploma for the school, school division, and state.~~ Virginia assessment
1018 program results including the

1019 ~~b. Percentage~~ percentage of students tested, as well as the percentage of students not
1020 tested, ~~to include a breakout of students with disabilities and limited English proficient~~
1021 ~~students.~~

1022 ~~c. Percentage of students who are otherwise eligible, but do not take, the SOL tests due to~~
1023 ~~enrollment in an alternative, or any other program not leading to a Standard, Advanced~~
1024 ~~Studies, Modified Standard, or International Baccalaureate Diploma.~~

- 1025 ~~d-b.~~ Performance of ~~students with disabilities or students with limited English~~
1026 ~~proficiency~~ student subgroups on ~~SOL tests and alternate assessments~~ the Virginia
1027 assessment program as appropriate.
- 1028 ~~e-c.~~ The accreditation rating awarded to the school.
- 1029 ~~f-d.~~ Attendance rates for students.
- 1030 ~~g-e.~~ Information related to school safety to include, but not limited to, incidents of
1031 physical violence (including fighting and other serious offenses), possession of firearms,
1032 and possession of other weapons.
- 1033 ~~h-f.~~ Information related to qualifications and experience of the teaching staff including
1034 the percentage of the school's teachers endorsed in the area of their primary teaching
1035 assignment.
- 1036 ~~i-g.~~ In addition, secondary schools' School Performance Report Cards shall include the
1037 following:
- 1038 (1) Advanced Placement (AP) information to include percentage of students who take AP
1039 courses and percentage of those students who take AP tests;
- 1040 (2) International Baccalaureate (IB) information to include percentage of students who
1041 are enrolled in IB programs and percentage of students who receive IB Diplomas;
- 1042 (3) College-level course information to include percentage of students who take college-
1043 level courses including dual enrollment courses;
- 1044 (4) Percentage of (i) diplomas, (ii) certificates awarded to the senior class including GED
1045 credentials, and (iii) students who do not graduate;

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1046 (5) ~~Percentage of students in alternative programs that do not lead to a Standard,~~
1047 ~~Advanced Studies, or Modified Standard Diploma;~~ Information on the number of
1048 students obtaining industry certifications, and passing state licensure examinations and
1049 occupational competency assessments while still in high school; and

1050 ~~(6) Percentage of students in academic year Governor's Schools; and~~

1051 ~~(7)~~ (6) Percentage of drop-outs.

1052 3. Cooperate with business and industry in formulating career and technical educational
1053 programs and conducting joint enterprises involving personnel, facilities, training
1054 programs, and other resources.

1055 4. Encourage and support the establishment and/or continuation of a parent-teacher
1056 association or other organization and work cooperatively with it.

1057

1058 B. At the beginning of each school year, each school shall provide to its students' parents
1059 or guardians information on the availability of and source for receiving:

1060 1. The learning objectives developed in accordance with the provisions of 8 VAC 20-
1061 131-70 to be achieved at their child's grade level or, in high school, a copy of the syllabus
1062 for each of their child's courses, and a copy of the school division promotion, retention,
1063 and remediation policies;

1064 2. ~~A copy of the~~ The Standards of Learning applicable to the child's grade or course
1065 requirements and the approximate date and potential impact of the child's next SOL
1066 testing; and

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3. An annual notice to students in all grade levels of all requirements for Standard, Advanced Studies, and Modified Standard Diplomas, and the board's policies on promotion and retention as outlined in 8 VAC 20-131-30.

~~No later than the end of the first semester of each school year, the~~ The division superintendent shall certify report to the department compliance with this subsection through the preaccreditation eligibility procedures in 8 VAC 20-131-290 of these regulations.

- In subsection A language is eliminated because no separate requirement is needed since Virginia assessment program scores are already reported and the English and mathematics SOL tests are used to meet the literacy and numeracy requirements.
- In subsection A language regarding the percentage of students who are eligible but do not take the SOL tests is eliminated as obsolete due to the requirements of NCLB that all students be assessed.
- Dual enrollment language is added to information collected on students taking college-level courses.
- In subsection A language regarding the percentage of students in alternative programs that do not lead to diplomas is eliminated. This information is not required under NCLB.
- In subsection A language regarding the academic year Governor's Schools is eliminated since this information is already included in the Gifted Education Annual Report under the Data and Reports section of the DOE website.
- In subsection A language is added to address § 22.1-253.13:4 of the Code, which requires school boards to report annually to the Board of Education the number of industry certifications obtained and state licensure examinations passed, and the number shall be reported as a category on the School Performance Report Card. (SB 1045 2005 General Assembly.)
- In subsection B language is amended because the requirement to provide this information annually to parents places a financial burden on localities. School divisions should tell parents where the information is available and how to get copies of the information if desired. Much of the information could be contained in the student handbook required by 8 VAC 20-131-210.C.2. of the standards.
- In subsection B the annual notice requirement is included with pre-accreditation to eliminate a separate certification process.

1075 Part VIII

1076 School Accreditation

1077 8 VAC20-131-280. Expectations for school accountability.

1078 A. Schools will be accredited annually based on compliance with pre-accreditation
1079 eligibility requirements and achievement of the school accountability requirements of
1080 8VAC20-131-300 C.

1081

1082 ~~B. These standards apply to schools for all grade levels, kindergarten through 12, as listed~~
1083 ~~below:~~

1084 ~~1. Schools with grades kindergarten through 5 shall be classified as elementary schools;~~

1085 ~~2. Schools with grades 6 through 8 shall be classified as middle schools;~~

1086 ~~3. Schools with grades 9 through 12 shall be classified as secondary schools.~~

1087 ~~4. Schools with grade configurations other than these shall be classified in accordance~~
1088 ~~with policies and practices of the Department of Education.~~

1089

1090 ~~€~~ B. Each school shall be accredited based, primarily, on achievement of the criteria
1091 established in 8 VAC 20-131-30 as specified below:

1092 ~~1. All students enrolled in a grade or course in which a SOL test is administered shall~~
1093 ~~take each applicable SOL test, unless exempted from participating in all or part of the~~
1094 ~~testing program by one of the following:~~

1095 ~~a. IEP team;~~

- 1096 ~~b. LEP committee;~~
- 1097 ~~c. Use of additional tests for verified units of credit as outlined in 8 VAC 20-131-110 B;~~
- 1098 ~~or~~
- 1099 ~~d. In accordance with 8 VAC 20-131-30 B.~~
- 1100 ~~2. In a manner prescribed by the board, the evaluation of the performance of schools shall~~
- 1101 ~~take into consideration:~~
- 1102 ~~a. The percentage of eligible students who achieve a passing score on the prescribed SOL~~
- 1103 ~~tests or additional tests used for verified units of credit as outlined in 8 VAC 20-131-110~~
- 1104 ~~B;~~
- 1105 ~~b. The percentage of students who pass the literacy and numeracy tests required for the~~
- 1106 ~~Modified Standard Diploma;~~
- 1107 ~~c. The percentage of those students with disabilities whose IEPs specify their~~
- 1108 ~~participation in alternate assessment who attain a proficient level score (beginning with~~
- 1109 ~~the 2001-02 school year); and~~
- 1110 ~~d. The school's attainment of the provisional accreditation benchmarks as described in~~
- 1111 ~~8 VAC 20-131-320.~~
- 1112 ~~e. The number of students who successfully complete a remediation/recovery program.~~
- 1113 ~~and subsequently pass SOL tests in English (Reading, Literature, and Research) and/or~~
- 1114 ~~mathematics during any scheduled administration by the end of the following school~~
- 1115 ~~year.~~

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~~3-1. The awarding of an accreditation rating shall be based on the percentage of students passing the Virginia assessment program SOL tests or approved additional tests described in 8 VAC 20-131-110 B in the four core academic areas administered in the school, or with the accreditation rating calculated on a trailing three-year average that includes the current year scores and the scores from the two most recent years in each applicable academic area, or on the current year's scores, whichever is higher.~~

2. The number of students who successfully complete a remediation recovery program.

~~4. Eligible students shall be defined as the total number of students of school age enrolled in the school at a grade or course for which a SOL test is required unless excluded under subsection E of this section and those students with disabilities who participate in the alternate assessment program.~~

~~5. Schools shall be evaluated by the percentage of the school's eligible students who achieve a passing score on the SOL tests or other additional tests approved by the board as outlined in 8 VAC 20-131-110 B in the four core academic areas administered in the school.~~

6.3. Schools, with grade configurations that do not house a grade or offer courses for which SOL tests or other additional tests approved by the ~~board~~ Board of Education as outlined in 8 VAC 20-131-110 ~~B~~ are administered, will be paired with another school in the division housing one or more of the grades in which SOL tests are administered. The pairing of such schools will be made upon the recommendation of the local

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superintendent. The schools should have a "feeder" relationship and the grades should be contiguous.

~~D.C.~~ Subject to the provisions of 8 VAC 20-131-330, the governing school board of ~~Special~~ special purpose schools such as those provided for in § 22.1-26 of the Code, ~~regional~~, Governor's schools, special education schools, alternative schools, or career and technical schools that serve as the student's school of principal enrollment may seek approval of an alternative accreditation plan from the Board of Education. Special purpose schools with alternative accreditation plans shall be evaluated on standards appropriate to the programs offered in the school and approved by the board prior to August 1 of the school year for which approval is requested. Any student graduating from a special purpose school with a Standard, Advanced Studies, or Modified Standard Diploma must meet the requirements prescribed in 8 VAC 20-131-50.

~~E.D.~~ When calculating the passing rates on SOL tests for the purpose of school accountability, the following tolerances for limited English proficient (LEP) and transfer students will apply:

- ~~1. LEP students shall have a one time exemption in each of the four core areas for SOL tests designed to assess SOL content in grades kindergarten through 8.~~
- ~~2. LEP students shall not be exempted from participating in the SOL end-of-course testing.~~

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1157 ~~3-1.~~ The scores of LEP students enrolled in Virginia public schools fewer than 11
1158 semesters may be removed from the calculation used for the purpose of school
1159 accreditation required by 8 VAC 20-131-280 ~~C~~ B and 8 VAC 20-131-300 C. Completion
1160 of a semester shall be based on school membership days. Membership days are defined as
1161 the days the student is officially enrolled in a Virginia public school, regardless of days
1162 absent or present. For a semester to count as a completed semester, a student must have
1163 been in membership for a majority of the membership days of the semester. These
1164 semesters need not be consecutive.

1165 ~~4-2.~~ In accordance with the provisions of 8 VAC 20-131-30, all students who transfer into
1166 Virginia public schools are expected to take and pass all applicable SOL tests ~~unless they~~
1167 ~~have been exempted as defined in subdivision C 1 of this section~~ in the content areas in
1168 which they receive instruction.

1169 ~~5-3.~~ All students who transfer within a school division shall have their scores counted in
1170 the calculation of the school's ~~accountability (accreditation)~~ rating. Students who transfer
1171 into a Virginia school from home instruction, another Virginia school division, another
1172 state, or another country, in grades kindergarten through 8 shall be expected to take all
1173 applicable SOL tests or other additional tests approved by the board as outlined in 8 VAC
1174 20-131-110 ~~B~~. If the transfer takes place after the 20th instructional day following the
1175 opening of school, the scores on these tests may be used in calculating school
1176 ~~accountability (accreditation)~~ ratings.

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6-4. Students who transfer into a Virginia middle or high school from home instruction,
or from another state or country, and enroll in a course for which there is an end-of-
course SOL test, shall be expected to take the test or other additional tests for that course
approved by the board as outlined in 8 VAC 20-131-110 B. If the transfer takes place
after 20 instructional hours per course have elapsed following the opening of school or
beginning of the semester, if applicable, the scores on those tests may be used in
calculating school accountability (accreditation) ratings in the year the transfer occurs.

7-5. Students who enroll on the first day of school and subsequently transfer to a school
outside of the division for a total amount of instructional time equal to or exceeding 50%
of a current school year or semester, whether the transfer was a singular or multiple
occurrence, and return during the same school year shall be expected to take any
applicable SOL test. The scores of those tests may be used in calculating the school
accountability (accreditation) rating in the year in which the transfers occur.

~~8. The scores of LEP and transfer students will be used in the calculation of a school's
accountability (accreditation) rating if it will benefit the school.~~

9-6. The board may alter the inclusions and exclusions from the ~~accountability~~
accreditation calculations by providing adequate notice to local school boards.

E. The Board of Education may enact special provisions related to the administration and
use of any SOL test or tests in a content area as applied to these regulations.

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1198 F. As a prerequisite to the awarding of an accreditation rating as defined in 8 VAC 20-
1199 131-300, each new or existing school shall document, in a manner prescribed by the
1200 board, the following: (i) the division's promotion/retention policies developed in
1201 accordance with the requirements of 8 VAC 20-131-30, (ii) compliance with the
1202 requirements to offer courses that will allow students to complete the graduation
1203 requirements in 8 VAC 20-131-50, (iii) the ability to offer the instructional program
1204 prescribed in 8 VAC 20-131-70 through 8 VAC 20-131-100, (iv) the leadership and
1205 staffing requirements of 8 VAC 20-131-210 through 8 VAC 20-131-240, and (v) the
1206 facilities and safety provisions of 8 VAC 20-131-260.

1207

- The entire section has been reorganized for clarity, consistency, and brevity.
- The original subsection B is deleted and the definition of a school will be covered in the proposed definitions section.
- In the new subsection B the language clarifies what accreditation ratings are based.
- The additional language in the new subsection B provides further definition of how student test scores are included in the calculation of accreditation ratings.
- Language regarding including students who are remediated in the accreditation calculation has been moved from the old subsection C into the new subsection B. This is not a new requirement.
- In the new subsection B the definition of eligible student has been deleted because it has been incorporated into the new definitions section.
- In the new subsection C clarifying language has been added to the section on special purpose schools. This language clarifies that special purpose schools must seek approval from the Board before implementing an alternative accreditation plan. Please note that special purpose schools would be defined in the definitions section of the regulations. The Board's approval of an alternative accreditation plan is not guaranteed. Section 22.1-26 addresses regional, joint, and continuation schools.
- In the new subsection D redundant language regarding LEP students has been eliminated. Language regarding the LEP one time exemption is already stated in 8 VAC 20-131-30 G.
- Language is added in the new subsection D.2. to clarify that if a transfer student has received instruction in the content area the student must take the applicable SOL test.
- In the new subsection D.3. and D.4 home instruction has been added to the list of transfer students who are expected to take the tests.
- The new section E contains language moved from 8 VAC 20-131-340 B. This language was moved as part of a reorganization of the regulations to provide clarity. Due to the constant evolution of testing requirements mandated by federal law this provision permits the board to address new testing requirements, create and administer new tests, and provide for the consideration of such requirements and new tests in the calculation of accreditation.

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1207 8 VAC 20-131-290. Procedures for certifying accreditation eligibility.

1208 A. Schools will be accredited under these standards annually based, in part, on

1209 compliance with the pre-accreditation criteria described in 8 VAC 20-131-280 F.

1210

1211 B. To be eligible for accreditation, the principal of each school and the division

1212 superintendent shall ~~certify~~ report to the Department of Education:

1213 1. The extent to which each school continues to meet standards reported as met in the

1214 previous year described in 8 VAC 20-131-280 F.

1215 2. That the SOL have been fully incorporated into the school division's curriculum in all

1216 accreditation-eligible schools and the SOL material is being taught to all students eligible

1217 to take the SOL tests. This shall be certified ~~in writing to the board no later than July 1 of~~

1218 ~~every year~~, by each school division superintendent as part of the pre-accreditation

1219 eligibility determination process.

1220 3. Actions taken to correct any noncompliance issues cited in the previous year.

1221 The principal of each school and the division superintendent shall submit pre-

1222 accreditation eligibility reports in a manner prescribed by the board to the Department of

1223 Education. Failure to submit the reports on time will constitute grounds for denying

1224 accreditation to the school.

1225

1226 C. In keeping with provisions of the Standards of Quality, and in conjunction with the

1227 six-year plan of the division, each school shall prepare and implement a biennial school

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1228 plan which shall be available to students, parents, staff, and the public. Each biennial
1229 school plan shall be evaluated as part of the development of the next biennial plan.
1230 Schools may use other plans to satisfy the requirement for the biennial plan with prior
1231 written approval from the Department of Education.
1232
1233 D. With the approval of the local school board, local schools seeking to implement
1234 experimental or innovative programs, or both, that are not consistent with these standards
1235 shall submit a waiver request, on forms provided, to the board for evaluation and
1236 approval prior to implementation. The request must include the following:
1237 1. Purpose and objectives of the experimental/innovative programs;
1238 2. Description and duration of the programs;
1239 3. Anticipated outcomes;
1240 4. Number of students affected;
1241 5. Evaluation procedures; and
1242 6. Mechanisms for measuring goals, objectives, and student academic achievement.
1243
1244 Except as specified below, the board may grant, for a period up to five years, a waiver of
1245 these regulations that are not mandated by state or federal law or designed to promote
1246 health or safety. The board may grant all or a portion of the request. Waivers of
1247 requirements in 8 VAC 20-131-30, 8 VAC 20-131-50, 8 VAC 20-131-70, and 8 VAC 20-

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1248 131-280 through 8 VAC 20-131-340 shall not be granted, and no waiver may be
1249 approved for a program which would violate the provisions of the Standards of Quality.

1250

- In subsection A Student achievement on SOL and other tests form the primary basis for determining the accreditation status of a school.
- In subsection B this amendment removes a separate reporting requirement for division superintendents and comports to existing practice.

- 1250 8 VAC 20-131-300. Application of the standards.
- 1251 A. Schools that meet the pre-accreditation requirements prescribed in 8 VAC 20-131-
- 1252 280 F shall be assigned one of the following ratings as described in this section:
- 1253 ~~1. Earned During Academic Years Ending in 2000 through 2003:~~
- 1254 ~~a. Fully Accredited;~~
- 1255 ~~b. Provisionally Accredited/Meets State Standards;~~
- 1256 ~~c. Provisionally Accredited/Needs Improvement;~~
- 1257 ~~d. Accredited with Warning in (specified academic area or areas);~~
- 1258 ~~e. Conditionally Accredited.~~
- 1259 ~~2. Earned During Academic Years Ending in 2004 and 2005:~~
- 1260 ~~a. Fully Accredited;~~
- 1261 ~~b. Accredited with Warning in (specified academic area or areas);~~
- 1262 ~~c. Conditionally Accredited.~~
- 1263 ~~3. Earned During Academic Years Ending in 2006 and Beyond:~~
- 1264 ~~a~~ 1. Fully Accredited;
- 1265 ~~b~~ 2. Accredited with Warning in (specified academic area or areas);
- 1266 ~~c~~ 3. Accreditation Denied;
- 1267 ~~d~~ 4. Conditionally Accredited;
- 1268 ~~e. Accreditation Withheld/Improving School Near Accreditation (not to be used after~~
- 1269 ~~academic year ending in 2009).~~
- 1270

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B. Compliance with the student academic achievement expectations shall be documented to the board directly through the reporting of the results of student performance on SOL tests and other alternative means of assessing student academic achievement as outlined in 8 VAC 20-131-110 B. Compliance with other provisions of these regulations will be documented in accordance with procedures prescribed by the board.

C. Accreditation ratings defined.

1. Fully accredited.

a. For school years 2004-05 through 2008-09 a ~~A~~ school will be rated Fully Accredited when its eligible students meet the pass rate of 70% in each of the four core academic areas except, ~~effective with ratings earned in the academic year 2003-04 and beyond~~, the pass rates required shall be 75% in third ~~and~~ through fifth grade English and 50% in third grade science and history/social science. In schools housing grades kindergarten through 5, the English and mathematics pass rates for accreditation purposes shall be calculated for these grades as single rates by combining the scores of all third grade ~~and~~ through fifth grade SOL tests administered in English and by combining the scores of all third grade ~~and~~ through fifth grade SOL tests administered in mathematics.

~~b. During the transition period covering ratings earned during 1999-2000 through 2002-03, in schools housing grades kindergarten through 5, the science and history/social science pass rates for accreditation purposes shall be calculated by using the fifth grade scores alone, or by combining the scores of all SOL tests administered in grades 3~~

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~~through 5 in science and by combining the scores of all SOL tests administered in grades~~
~~3 through 5 in history/social science, whichever is higher. If the third grade scores are~~
~~combined with the fifth grade scores, the required passing rate shall be 70% for full~~
~~accreditation. In schools housing grades kindergarten through 3, the accreditation rating~~
~~shall be calculated using the English and mathematics scores only. For schools housing~~
~~grade configurations where multiple pass rates apply, the results of the tests may be~~
~~combined in each of the four core academic areas for the purpose of calculating the~~
~~school's accreditation rating provided the school chooses to meet the higher pass rate.~~

c. With tests administered in the academic year 2009-10 for the accreditation ratings in
school year 2010-2011 and beyond a school will be rated Fully Accredited when its
eligible students meet the pass rate of 75% in English and the pass rate of 70% in
mathematics, science, and history and social science.

d. For accreditation purposes the pass rate will be calculated as single rates for each of
the four core academic areas by combining all scores of all tests administered in each
subject area.

~~2. Provisionally Accredited/Meets State Standards. For ratings earned during the~~
~~academic years 1999-2000 through 2002-03, a school will be rated Provisionally~~
~~Accredited/Meets State Standards when it has met the provisional accreditation~~
~~benchmarks as defined in accordance with 8 VAC 20-131-320 but has not met the~~
~~requirement to be rated Fully Accredited.~~

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~~3. Provisionally Accredited/Needs Improvement. For ratings earned during the academic years 1999-2000 through 2002-03, a school will be rated Provisionally Accredited/Needs Improvement when it fails to meet the provisional accreditation benchmarks as defined in 8 VAC 20-131-320 in one or more academic areas.~~

~~4.2. Accredited with Warning (in specific academic area or areas).~~

~~a. For ratings earned during academic years ending in 1999-2000 through 2002-03, a school will be Accredited with Warning (in specific academic area or areas) if its pass-rate performance on SOL tests is 20 or more percentage points below any of the provisional accreditation benchmarks set forth in the appendix to these standards.~~

~~b. For ratings earned during academic years 2003-04 and 2004-05, a school will be Accredited with Warning in (specific academic area or areas) if it does not meet the pass-rate requirements to be Fully Accredited.~~

~~c. For ratings earned during academic years 2005-06 and beyond, a A school will be Accredited with Warning in (specific academic area or areas) if it has ~~achieved~~ failed to achieve Fully Accredited status ~~but has failed to meet the requirements to maintain that status in any one year. Following the academic year 2005-06, such~~ Such a school may remain in the Accredited with Warning status for no more than three consecutive years.~~

~~5.3. Accreditation Denied. Based on a school's academic performance during academic years ending in 2006 and beyond, a school shall be rated Accreditation Denied if it fails to meet the requirements to be rated Fully Accredited for the preceding three consecutive~~

REGULATIONS ESTABLISHING STANDARDS FOR
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1333 ~~years or for three consecutive years anytime thereafter, except for schools rated~~

1334 ~~Accredited with Warning as set forth in subdivision 4 c of this subsection.~~

1335 In any school division in which 1/3 or more of the schools have been rated Accreditation

1336 Denied, the superintendent shall be evaluated by the local school board with a copy of

1337 such evaluation submitted to the ~~board~~ Board of Education no later than December 1 of

1338 each year in which such condition exists. In addition, the Board of Education may take

1339 action against the local school board as permitted by the Standards of Quality due to the

1340 failure of the local board to maintain accredited schools.

1341 ~~6. Accreditation Withheld/Improving School Near Accreditation. A school that has never~~

1342 ~~met the requirements to be rated Fully Accredited by end of the academic year ending in~~

1343 ~~2006 may apply to the board for this accreditation designation. To be eligible, the school~~

1344 ~~must meet the following criteria:~~

1345 ~~a. By the year ending in 2006, at least 70% of its students must have passed the~~

1346 ~~applicable English SOL tests except at third and fifth grade where the requirement is~~

1347 ~~75%.~~

1348 ~~b. By the year ending in 2006, a combined pass rate of 60% of its students must have~~

1349 ~~passed the SOL tests in the other three core academic areas.~~

1350 ~~c. In each academic area in which the pass rate is below the rate required to be rated Fully~~

1351 ~~Accredited, the school's pass rate must have increased by at least 25 percentage points as~~

1352 ~~compared to the pass rates on tests taken during the academic year ending in 1999.~~

REGULATIONS ESTABLISHING STANDARDS FOR
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1353 ~~To retain this rating, a school must continue to show annual improvement in each~~
1354 ~~academic area in which the pass rate is below the rate required for full accreditation. This~~
1355 ~~rating will cease to exist after the academic year ending in 2009.~~

1356 7 4. Conditionally Accredited. New schools that are comprised of students from one or
1357 more existing schools in the division will be awarded this status for one year pending an
1358 evaluation of the school's eligible students' performance on SOL tests or additional tests
1359 ~~described in 8 VAC 20-131-110-B~~ approved by the Board of Education to be rated Fully
1360 Accredited. This rating may also be awarded to a school that is being reconstituted in
1361 accordance with the provisions of 8 VAC 20-131-340 of these regulations upon
1362 agreement by the Board of Education. A school awarded this rating under those
1363 circumstances will revert to a status of Accreditation Denied if it fails to meet the
1364 requirements to be rated Fully Accredited by the end of the agreed upon term.

1365

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1365

- In subsection A obsolete language has been deleted due to the period of time having passed.
- In the new subsection A language is struck for clarification.
- In subsection C1.b. “through” is added to address implementation of annual testing.
- In subsection C1.b. these changes will allow schools to adjust to implementation of annual testing and time to prepare for increased pass rates. Amendments in subsection C provide for a phase-in of higher standards for accreditation ratings earned in the 2009-10 school year to be applied to the 2010-2011 school year.
- In subsection C the Provisionally Accredited/Meets State Standards language is obsolete and has been deleted due to the period of time having passed.
- In subsection C. 2. language in the Accredited with Warning rating is obsolete and has been deleted due to the period of time having passed. Language is also deleted for clarification.
- Language is added in subsection C.3. to clarify that beginning with accreditation ratings earned in 2005-06 a school may be rated Accreditation Denied for the 2006-07 school year if it has been Accredited with Warning for the three years preceding 2006-07.
- It is proposed that in the former subsection C.6., the Board consider eliminating the Accreditation Withheld/Improving School Near Accreditation rating due to a number of factors:
 1. There will likely be very few schools that have never been fully accredited in 2006. Also, if after 8 years a school has never reached full accreditation, accreditation denied may be the most appropriate rating for the school.
 2. The data sets used to calculate accreditation ratings in 1999 are vastly different than those likely to be used in 2006. The 1999 sets were unadjusted pass rates (excluding only LEP by the Board’s directive) and, more than likely the 2006 pass rates will have many adjustments making the two data sets like comparing apples to oranges. In addition, there will likely be few schools that cannot demonstrate a 25% increase over 1999.
- Language regarding alternate assessments or alternative tests is added in the new subsection C. 4. for consistency with 8 VAC 20-131-280 and clarity.
- In the new subsection C.4. a new provision allowing reconstituted schools to be rated Conditionally Accredited would grant some relief to localities whose schools may be rated Accreditation Denied under circumstances outlined in 8 VAC 20-131-340.C.

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1365 8 VAC 20-131-310. Action requirements for schools that are accredited with warning.

1366 A. With such funds as are appropriated by the General Assembly, the Department of

1367 Education shall develop a school academic review process and monitoring plan designed

1368 to assist schools rated as Accredited with Warning. All procedures and operations for the

1369 academic review process shall be approved and adopted by the board.

1370

1371 B. Any school that is rated Accredited with Warning in English or mathematics ~~is~~

1372 ~~expected to~~ shall adopt ~~an~~ a research based instructional method intervention that has a

1373 proven track record of success at raising student achievement in those areas as

1374 appropriate.

1375

1376 C. The superintendent and principal shall certify in writing to the ~~board~~ Board of

1377 Education that such a ~~method~~ an intervention has been adopted and implemented.

1378

1379 D. The board shall publish a list of recommended instructional ~~methods~~ interventions,

1380 which may be amended from time to time.

1381

1382 E. Adoption of instructional ~~methods~~ interventions referenced in subsections B and D of

1383 this section shall be funded by eligible local, state, and federal funds.

1384

REGULATIONS ESTABLISHING STANDARDS FOR
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1385 F. A three-year School Improvement Plan must be developed and implemented, based on
1386 the results of an academic review of each school that is rated Accredited with Warning
1387 upon receipt of notification of the awarding of this rating and receipt of the results of the
1388 academic review. The plan:

1389 1. Shall be developed with the assistance of parents and teachers and made available to
1390 the public;

1391 2. Must include the components outlined in subsection G of this section; and

1392 3. Must be approved by the division superintendent and the local school board and be
1393 designed to assist the school in meeting the student achievement standard to be Fully
1394 Accredited as outlined in 8 VAC 20-131-300.

1395

1396 G. The improvement plan shall include the following:

1397 1. A description of how the school will meet the ~~provisional accreditation benchmarks, or~~
1398 ~~the~~ requirements to be Fully Accredited, for each of the years covered by the plan;

1399 2. Specific measures for achieving and documenting student academic improvement;

1400 3. A description of the amount of time in the school day devoted to instruction in the core
1401 academic areas;

1402 4. Instructional practices designed to remediate students who have not been successful on
1403 SOL tests;

1404 5. Intervention strategies designed to prevent further declines in student performance;

1405 6. Staff development needed;

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- 1406 7. Strategies to involve and assist parents in raising their child's academic performance;
1407 8. The need for flexibility or waivers to state or local regulations to meet the objectives of
1408 the plan; and
1409 9. A description of the manner in which local, state, and federal funds are used to support
1410 the implementation of the components of this plan.
1411 As part of its approval of the school improvement plan, the board may grant a local
1412 school board a waiver from the requirements of any regulations promulgated by the board
1413 when such a waiver is available.
1414
1415 H. The school improvement plan and related annual reports submitted to the board shall
1416 provide documentation of the continuous efforts of the school to achieve the requirements
1417 to become rated Fully Accredited. The board shall adopt and approve all policies and
1418 formats for the submission of annual reports under this section. The reports shall be due
1419 no later than October 1 of the school year.

1420

- In subsection G the language has been eliminated as obsolete since the benchmarks no longer exist.
- Through out the regulation language regarding research based interventions have been added to clarify that schools must adopt interventions that have a proven track record of success.

REGULATIONS ESTABLISHING STANDARDS FOR
ACCREDITING PUBLIC SCHOOLS IN VIRGINIA

1420 ~~8 VAC 20-131-320. Provisional accreditation benchmarks.~~
1421 ~~The board will set the minimum acceptable pass rates required for a school to achieve the~~
1422 ~~rating of Provisionally Accredited/Meets State Standards in the academic years 1999-~~
1423 ~~2003. These benchmarks are outlined in the appendix to these standards.~~

1424

<p>The language of this regulation has been eliminated as obsolete since the benchmarks no longer exist.</p>
--

REGULATIONS ESTABLISHING STANDARDS FOR
ACCREDITING PUBLIC SCHOOLS IN VIRGINIA

1424 8 VAC 20-131-325. Recognitions and rewards for school accountability performance.

1425 A. Schools may be recognized by the ~~board~~ Board of Education in accordance with

1426 ~~procedures~~ guidelines it shall establish. Such recognition may include:

1427 1. Public announcements recognizing individual schools;

1428 2. Tangible rewards;

1429 3. Waivers of certain board regulations;

1430 4. Exemptions from certain reporting requirements; or

1431 5. Other commendations deemed appropriate to recognize high achievement.

1432 In addition to board recognition, local school boards shall adopt policies to recognize

1433 individual schools through public announcements, media releases, participation in

1434 community activities for input purposes when setting policy relating to schools and

1435 budget development, as well as other appropriate recognition.

1436

1437 ~~B. A school that maintains a passing rate on SOL tests or other additional tests approved~~

1438 ~~by the board as outlined in 8 VAC 20-131-110 B of 80% or above may, upon application~~

1439 ~~to the Department of Education, receive a waiver from some or all provisions of the~~

1440 ~~following regulations and reporting requirements for a period of up to three years:~~

1441 ~~8 VAC 20-131-80. Instructional program in elementary schools. (clock hour requirement~~

1442 ~~only)~~

1443 ~~8 VAC 20-131-90. Instructional program in middle schools. (clock hour requirement~~

1444 ~~only)~~

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- 1445 ~~8 VAC 20-131-100. Instructional program in secondary schools.~~
- 1446 ~~8 VAC 20-131-110. Standard and verified units of credit. (clock hour requirement only)~~
- 1447 ~~8 VAC 20-131-120. Summer school. (clock hour requirement only)~~
- 1448 ~~8 VAC 20-131-130. Elective courses.~~
- 1449 ~~8 VAC 20-131-140. College preparation programs and opportunities for postsecondary~~
- 1450 ~~credit.~~
- 1451 ~~8 VAC 20-131-150. Standard school year and school day.~~
- 1452 ~~8 VAC 20-131-190. Library media, materials and equipment.~~
- 1453 ~~8 VAC 20-131-200. Extracurricular and other school activities.~~
- 1454 ~~8 VAC 20-131-210. Role of the principal.~~
- 1455 ~~8 VAC 20-131-220. Role of professional teaching staff.~~
- 1456 ~~8 VAC 20-131-230. Role of support staff.~~
- 1457 ~~8 VAC 20-131-240. Administrative and support staff; staffing requirements.~~
- 1458
- 1459 B. A school that maintains a passing rate on SOL tests or other additional tests approved
- 1460 by the board as outlined in 8 VAC 20-131-110 of 95% or above in the four core academic
- 1461 areas for two consecutive years may, upon application to the Department of Education,
- 1462 receive a waiver from annual accreditation. A school receiving such a waiver shall be
- 1463 Fully Accredited for a three-year period. However, such school shall continue to
- 1464 annually submit documentation in compliance with the pre-accreditation requirements
- 1465 described in 8 VAC 20-131-280 F.

REGULATIONS ESTABLISHING STANDARDS FOR
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1466

1467 C. Schools may be eligible to receive the Governor's Award for Outstanding

1468 ~~Improvement~~ Achievement. This award will be given to schools ~~in each classification~~

1469 ~~defined in 8 VAC 20-131-280 B-rated below~~ Fully Accredited that significantly increase

1470 the achievement of students within student subgroups in accordance with guidelines

1471 prescribed by the Board of Education ~~exceed the improvement levels defined in 8 VAC~~

1472 ~~20-131-320 by 10 percentage points or more in one year during the school years 2000-01~~

1473 ~~through 2002-03. In addition, any school that raises its rating from Accredited with~~

1474 ~~Warning to Fully Accredited in one year will receive this award when it was 10~~

1475 ~~percentage points or more below the performance level to be rated Fully Accredited.~~

1476

- In subsection B language is proposed to allow schools maintaining a pass rate of 95% or more on SOL or other tests to be accredited for a three-year period. Schools would continue to comply with the annual submission of preaccreditation documentation. This is designed to reward consistently high achieving institutions.
- Language regarding waivers of certain specified sections of the regulations has been eliminated due to the fact that few if any schools have requested such waivers since their availability.
- In subsection C the timeframe established for this award has expired making the language obsolete. A new award is established to recognize schools that are high achieving institutions that are addressing the achievement needs of the student subgroup population.

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1476 8 VAC 20-131-330. Waivers.

1477 Waivers of some of the requirements of ~~this chapter~~ these regulations may be granted by

1478 ~~the board~~ Board of Education based on submission of a request from the division

1479 superintendent and chairman of the local school board. The request shall include

1480 documentation of the need for the waiver. In no event will waivers be granted to the

1481 requirements of Part III (8 VAC 20-131-30 et seq.) of ~~this chapter~~ these regulations.

1482

REGULATIONS ESTABLISHING STANDARDS FOR
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1482 8 VAC 20-131-340. Academic reviews, special provisions and sanctions.

1483 A. ~~Beginning with the 2000-01 school year, schools~~ Schools rated Accredited with
1484 Warning must undergo an academic review in accordance with guidelines adopted by the
1485 board and prepare a school improvement plan as required by 8 VAC 20-131-310.

1486

1487 B. Any school rated Accreditation Denied in accordance with 8 VAC 20-131-300 shall be
1488 subject to sanctions prescribed by the Board of Education and affirmed through a
1489 memorandum of understanding between the Board of Education and the local school
1490 board. The memorandum of understanding shall be entered into no later than 30 days
1491 after the opening of school. The memorandum or understanding may include but not be
1492 limited to:

1493 1. Submitting status reports detailing implementation of corrective actions to the Board
1494 of Education. The status reports shall be signed by the school principal, division
1495 superintendent, and the chair of the local school board. The Board of Education may
1496 require the school principal, division superintendent, and the chair of the local school
1497 board to appear before the Board to present such status reports.

1498 2. Undergoing an educational service delivery and management review. The Board of
1499 Education shall prescribe the content of such review and approve the reviewing authority
1500 retained by the school division.

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3. Employing a turnaround specialist credentialed by the state to address those conditions at the school that may impede educational progress and effectiveness and academic success.

C. Any school rated Accreditation Denied shall provide parents of enrolled students and other interested parties with the following:

1. Written notice of the school's accreditation rating within 30 calendar days of the notification of the rating from the Department of Education;

2. A copy of the school division's proposed corrective action plan, including a timeline for implementation, to improve the school's accreditation rating; and

3. An opportunity to comment on the division's proposed corrective action plan.

Such public comment shall be received and considered by the school division prior to finalizing the school division's corrective action plan and memorandum of understanding with the Board of Education.

D. As an alternative to the memorandum of understanding outlined in subsection B, a local school board may choose to enter into an agreement with the Board of Education to reconstitute a school rated Accreditation Denied. The reconstitution agreement may include any of the provisions of subsection B along with one or more of the following actions:

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- 1521 1. Replacing all or a majority of the administrative staff and at least fifty percent of the
1522 instructional staff; or
- 1523 2. Hiring a private management firm from a Board of Education reviewed list; or
- 1524 3. Converting the school to a charter school in accordance with § 22.1-212.6 of the Code
1525 of Virginia, with consideration given to collaboration with an institution of higher
1526 education or other suitable entity.
- 1527 If a local school board chooses to reconstitute a school, it may apply for an accreditation
1528 rating of Conditionally Accredited as provided for in 8 VAC 20-131-300.D.6. The
1529 Conditionally Accredited rating may be extended for a period not to exceed three years if
1530 the school is making progress toward a rating of Fully Accredited in accordance with the
1531 terms of the agreement with the Board of Education. The school will revert to a status of
1532 Accreditation Denied if it fails to meet the requirements to be rated Fully Accredited by
1533 the end of the term of the agreement.
- 1534
- 1535 E. The local school board may choose to close a school rated Accreditation Denied or to
1536 combine such school with a higher performing school in the division.
- 1537
- 1538 F. A local school board that has any school with the status of Accreditation Denied shall
1539 annually report each school's progress toward meeting the requirements to be rated Fully
1540 Accredited to the Board of Education. The local board shall submit such report in a
1541 manner prescribed by the Board of Education no later than October 1 of each year. Such

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reports on each school's progress shall be included in the Board of Education's annual report on the condition and needs of public education to the Governor, and the General Assembly submitted on November 15 of each year.

~~B. The board may enact special provisions related to the administration and use of any SOL test or tests in a content area as applied to this chapter for any period during which the SOL content in that area is being revised and phased in.~~

~~E~~G. Any school in violation of ~~this chapter~~ these regulations shall be subject to appropriate action by the ~~board~~ Board of Education including, but not limited to, the ~~adjustment or withdrawal~~ withholding or denial of a school's accreditation.

H. A school's accreditation rating may be withheld by action of the Board of Education for any school found to be in violation of test security procedures pursuant to § 22.1-19.1 of the Code of Virginia.

I. The Board of Education may exercise its authority to seek school division compliance with school laws pursuant to relevant provisions of the Code of Virginia when any school within a division is rated Accreditation Denied.

REGULATIONS ESTABLISHING STANDARDS FOR
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1561

- In subsection A obsolete language has been eliminated.
- In the new subsection B language regarding possible sanctions for schools rated Accreditation Denied has been added. The sanctions include requiring the local school board to enter into a memorandum of understanding with the Board to take steps to make major changes in a school.
- In the new subsection C language is added to require schools rated Accreditation Denied to communicate its status to parents and other interested parties, to provide copies of the school's plan to achieve Fully Accredited status, and to provide the public an opportunity to comment on the plan before it is finalized.
- In the new subsection D language is added to permit a school board to choose to take more drastic steps to improve the school by undertaking a reconstitution of the school through other means.
- In the new subsection D language is also added to allow a school to apply for a rating of Conditionally Accredited. This would relieve some of the community pressure and stigma of having a rating of Accreditation Denied during the period of the reconstitution and may encourage a school board to take this option. Granting the status or not would be the prerogative of the Board.
- In the new subsection E language is added to emphasize that a local school board may choose to close a school rated Accreditation Denied or to combine such school with a higher performing school.
- In the new subsection F a reporting requirement is added to ensure that the General Assembly and Governor are informed of schools rated Accreditation Denied and their progress toward achieving Fully Accredited status.
- In subsection G language is amended to emphasize the Board's authority to withhold or deny accreditation for any school in violation of the accrediting regulations.
- Language is added in the new subsection H to permit a school's accreditation to be withheld when any school violates test security procedures pursuant to § 22.1-19.1 of the Code of Virginia.
- In the new subsection I language is added to reaffirm the Board's authority to seek compliance with the school laws.

Board of Education Agenda Item

Item: _____ E. _____

Date: _____ June 22, 2005 _____

Topic: First Review of Proposed Regulation Governing Reduction of State Aid When the Length of the School Term Is Below 180 Teaching Days or 990 Teaching Hours Under the Fast Track Provisions of the Administrative Process Act

Presenter: Ms. Anne D. Wescott, Assistant Superintendent for Policy and Communications

Telephone Number: (804) 225-2403 **E-Mail Address:** anne.wescott@doe.virginia.gov

Origin:

_____ Topic presented for information only (no board action required)

X Board review required by
 X State or federal law or regulation
 _____ Board of Education regulation
 _____ Other: _____

_____ Action requested at this meeting

X Action requested at future meeting: July, 27, 2005 (date)

Previous Review/Action:

_____ No previous board review/action

X Previous review/action

date January 12, 2005

action Approval of emergency regulations

Background Information: The Board of Education promulgated the *Regulation Governing Reduction of State Aid When the Length of the School Term Is Below 180 School Days*, 8 VAC 20-520, in response to § 22.1-98 of the Code of Virginia. The 2004 Virginia General Assembly passed three bills that amended this section of the Code and made the changes effective from passage of the bills. The bills were HB 1256 (Van Landingham), SB 452 (Whipple), and HB 575 (Hamilton). HB 1256 and SB 452 clarified the schedule of makeup days and circumstances in which a waiver may be granted by the Board of Education so that state basic aid funding will not be reduced because of school closings due to severe weather conditions or other emergency situations. HB 575 permitted the Board of Education to waive the requirement that school divisions compensate for school closings resulting from a declared state of emergency.

HB 575 and SB 452 had emergency enactment clauses and were effective upon passage. HB 1256 and SB 452 required the Board of Education to promulgate regulations to implement the provisions to be effective

within 280 days of enactment. The emergency regulation was approved for final review by the Board of Education on January 12, 2005 and became effective on February 25, 2005. They remain in effect until February 25, 2006.

Summary of Major Elements: This regulation incorporates the changes required by the amendments to the Code of Virginia and clarifies certain other requirements. The changes include definitions of “severe weather conditions or other emergency situations” and “declared state of emergency.” The regulation also includes authorization for school divisions to make up missed teaching days by providing equivalent teaching hours, specific requirements for the number of teaching days or teaching hours that must be made up based on the number of days a school has been closed, and a provision for the Board of Education to waive the requirement that school divisions provide additional teaching days or hours to compensate for school closings resulting from a declared state of emergency. Further, the proposed regulation authorizes the Superintendent of Public Instruction to approve reductions in the school term without a proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund.

The proposed regulation requires local school divisions to include in requests for waivers evidence of efforts that have been made by the school division to reschedule as many days as possible and to certify that every reasonable effort has been made to make up lost teaching days or hours before requesting a waiver of this requirement. The proposed permanent regulation mirrors the emergency regulation that was approved by the Board at its January 12, 2005 meeting and is in effect now.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education waive first review, approve the attached Regulation Governing Reduction of State Aid When the Length of the School Term Is Below 180 Teaching Days or 990 Teaching Hours, and authorize the Department of Education staff to proceed with the requirements of the Administrative Process.

Impact on Resources: The promulgation of the regulation as proposed is expected to have a minimal fiscal impact on the local school divisions or on the Department of Education. It should be noted that additional reporting requirements place an administrative burden on school divisions, especially those that are small. However, it is expected that the administrative burden due to the new reporting requirement in the proposed regulations could be absorbed within existing resources at the both the state and local level.

Timetable for Further Review/Action: It is anticipated that this item will be placed on the Board of Education’s July 27, 2005, agenda for final review. Following the Board’s final approval of the proposed regulation, the fast track provisions of the Administrative Process Act will be initiated. All appropriate entities, including local division superintendents, will be notified and given opportunity to comment.

Board of Education

**PROPOSED REGULATIONS GOVERNING REDUCTION OF STATE AID
WHEN LENGTH OF SCHOOL TERM BELOW 180 TEACHING DAYS OR 990
TEACHING HOURS (8 VAC 20-520-10 et seq.)**

**PROPOSED REGULATIONS GOVERNING REDUCTION OF STATE AID
WHEN LENGTH OF SCHOOL TERM BELOW 180 TEACHING DAYS OR 990
TEACHING HOURS
8 VAC 20-520-10 et seq.**

**~~REGULATIONS GOVERNING REDUCTION OF STATE AID WHEN LENGTH
OF SCHOOL TERM BELOW 180 SCHOOL DAYS~~**

8VAC20-520-5. Definitions.

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

“Declared state of emergency” means the declaration of an emergency before or after an event, by the Governor or by officials in a locality, that requires the closure of any or all schools within a school division.

“Instructional time” means the period that students are in school on a daily or annual basis as defined in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8 VAC 20-131.

“Severe weather conditions or other emergency situations” means those circumstances presenting a threat to the health or safety of students that result from severe weather conditions or other emergencies, including, but not limited to, natural and man-made disasters, energy shortages or power failures.

“Teaching days” means days when instruction is provided.

“Teaching hours” means hours when instruction is provided.

~~8VAC20-520-10. Length of school term.~~

~~School divisions which are forced to close more than 15 days during the school term because of severe weather, energy shortages, or power failure may be eligible for a waiver of the 180-day requirement.~~

~~Waiver of days lost beyond the first 15 is not automatic. A request must be made and evidence must be presented to indicate that every reasonable effort has been made to reschedule as many days as possible. Before approving a waiver, the state Board of Education must be satisfied that the lost time cannot be made up.~~

~~The state Board of Education will expect school divisions to exhaust every~~

Board of Education

PROPOSED REGULATIONS GOVERNING REDUCTION OF STATE AID WHEN LENGTH OF SCHOOL TERM BELOW 180 TEACHING DAYS OR 990 TEACHING HOURS (8 VAC 20-520-10 et seq.)

~~possibility for making up lost days before requesting a waiver of the 180-day requirement.~~

~~The request for waiver shall be forwarded to the Superintendent of Public Instruction after it has been approved by the local school board.~~

~~Make-up days should be the regular length, except as provided in the regulations on the length of the school day. (One day a week may be shortened to no less than four hours, exclusive of lunch, if the total number of days average at least 5 ½ hours in length.)~~

~~The first 15 days lost cannot be made up by extending the length of the school day.~~

~~Applications for waiver to be considered by the state Board of Education at its May meeting must be received by April 30 of the school year for which the waiver is requested.~~

8VAC20-520-20. Length of school term.

A. The length of every school's term in every school division shall be a minimum of 180 teaching days or 990 teaching hours in any school year.

B. Nothing in these regulations shall prohibit a school division from exceeding the 180 teaching day or 990 teaching hour requirement in any of its schools.

8VAC20-520-30. Completion of teaching hours.

A. When severe weather conditions or other emergency situations have resulted in the closing of a school or schools in a school division for fewer than five days, the school or schools shall make up all missed days by adding teaching days to the school calendar or extending the length of the teaching day.

B. When severe weather conditions or other emergency situations have resulted in the closing of a school or schools in a school division for five or more days, the school or schools shall make up the missed days in accordance with § 22.1-98 of the Code of Virginia by adding teaching days to the school calendar or extending the length of the teaching day.

C. Nothing in these regulations shall preclude a school division from making up missed teaching days by providing students with teaching hours equivalent to such missed teaching days.

Board of Education

PROPOSED REGULATIONS GOVERNING REDUCTION OF STATE AID WHEN LENGTH OF SCHOOL TERM BELOW 180 TEACHING DAYS OR 990 TEACHING HOURS (8 VAC 20-520-10 et seq.)

8VAC20-520-40. Waivers for a Declared State of Emergency.

A. The Board of Education may waive the requirement that school divisions provide additional teaching days or teaching hours to compensate for closings resulting from a declared state of emergency.

B. If the local school board desires a waiver for days missed as the result of a declared state of emergency, it shall submit a request for a waiver to the Board of Education. The request shall include evidence of efforts that have been made by the school division to reschedule as many days as possible.

C. The division superintendent and the chair of the local school board shall certify that every reasonable effort for making up lost teaching days or teaching hours was exhausted before requesting a waiver of the requirement.

D. The Board of Education authorizes the Superintendent of Public Instruction to approve, in compliance with these regulations, reductions in the school term for a school or the schools in a school division.

E. If the waiver is denied, the school division shall make up the missed instructional time in accordance with 8VAC 20-520-30 of these regulations and § 22.1-98 of the Code of Virginia.

8VAC20-520-50. Funding.

A. There shall be no proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund if a local school division:

1. Completes instructional time in accordance with 8VAC 20-520-30 and § 22.1-98 of the Code of Virginia; or

2. Obtains a waiver for closings resulting from a declared state of emergency in accordance with 8VAC20-520-40.

B. The local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall not be proportionally reduced by any local governing body due to a reduction in the length of the term of any school, if the missed days are made up in accordance with 8VAC 20-520-30, or the schools in a school division have been granted a waiver in accordance with 8VAC 20-520-40.

8VAC20-520-60. Administration.

Board of Education

**PROPOSED REGULATIONS GOVERNING REDUCTION OF STATE AID
WHEN LENGTH OF SCHOOL TERM BELOW 180 TEACHING DAYS OR 990
TEACHING HOURS (8 VAC 20-520-10 et seq.)**

A. The Virginia Department of Education shall annually notify local school divisions of the provisions of these regulations and the Virginia Code regarding reductions in the length of the school term.

B. Local school division superintendents shall certify by April 15 of each school year that they have read and complied with these provisions and are implementing a plan for making up any missed time that has not been waived in accordance with these regulations.



Virginia
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Fast Track Proposed Regulation Agency Background Document

Agency name	Virginia Department of Education
Virginia Administrative Code (VAC) citation	8VAC 20-520
Regulation title	Regulations Governing Reduction of State Aid When Length of School Term Below 180 Teaching Days or 990 Teaching Hours
Action title	To clarify schedule of makeup days and circumstances in which approval may be granted so that state basic aid funding will not be reduced because of school closings due to severe weather conditions or other emergency situations.
Document preparation date	June 6, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes.

The Board of Education promulgated the Regulations Governing Reduction of State Aid When Length of School Term Below 180 School Days, 8 VAC 20-520, in response to § 22.1-98 of the Code of Virginia. The 2004 Virginia General Assembly passed three bills that amended this section of the Code and make the changes effective upon passage of the bills. The bills were HB 1256 (Van Landingham), SB 452 (Whipple), and HB 575 (Hamilton). HB 1256 and SB 452 clarified the schedule of makeup days and circumstances in which approval may be granted so that state basic aid funding would not be reduced because of school closings due to severe weather conditions or other emergency situations. HB 575 permits the Board of Education to waive the requirement that school divisions compensate for school closings resulting from a declared state of emergency.

HB 575 and SB 452 had emergency enactment clauses and were effective upon passage. HB 1256 and SB 452 required the Board of Education to promulgate regulations to implement the provisions to be effective within 280 days of enactment. Emergency regulations became effective on February 25, 2005 and will expire on February 25, 2006.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the scope of the legal authority and the extent to which the authority is mandatory or discretionary.

The Code of Virginia, § 22.1-16, vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1. Section 22.1-98 of the Code of Virginia prescribes the circumstances under which state aid shall be reduced when the length of the school term falls below 180 days or 990 hours. This code section, as amended by the 2004 General Assembly, required the Board of Education to promulgate regulations within 280 days of its enactment. Emergency regulations were promulgated on February 25, 2005 and are set to expire on February 25, 2006. In order to effectuate the requirements of § 22.1-98, as amended, final regulations must be promulgated before February 25, 2006.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The purpose of this proposed permanent regulation is to clarify the schedule of makeup days and circumstances in which a waiver may be granted by the Board of Education so that state basic aid funding will not be reduced because of school closings due to severe weather conditions or other emergency situations. The proposed actions also implement the legislation that permits the Board of Education to waive the requirement that school divisions compensate for school closings resulting from a declared state of emergency.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Please note: If an objection to the use of the fast-track process is received within the 60-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

The fast track process is applicable because the promulgation of this regulation is noncontroversial.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.)

The proposed regulation incorporates the changes required by the amendments to the Code of Virginia and clarifies certain other requirements. The changes include definitions of "severe weather conditions or other emergency situations" and "declared state of emergency." The proposed regulation also includes authorization for school divisions to make up missed teaching days by providing equivalent teaching hours, specific requirements for the number of teaching days or teaching hours that must be made up based on the number of days a school has been closed, and a provision for the Board of Education to waive the requirement that school divisions provide additional teaching days or hours to compensate for school closings resulting from a declared state of emergency. Further, the proposed regulation authorizes the Superintendent of Public Instruction to approve reductions in the school term without a proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund.

The proposed regulation requires local school divisions to include in requests for waivers evidence of efforts that have been made by the school division to reschedule as many days as possible and to certify that every reasonable effort has been made to make up lost teaching days or hours before requesting a waiver of this requirement.

The proposed permanent regulation mirrors the emergency regulation that was approved by the Board at its January 12, 2005 meeting and is in effect now.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
 - 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
 - 3) other pertinent matters of interest to the regulated community, government officials, and the public.*
- If there are no disadvantages to the public or the Commonwealth, please indicate.*

The emergency regulations will expire on February 25, 2006, therefore, permanent regulations must be promulgated. The advantage to all of the parties is that a permanent regulation will be in effect that will comport with the Code of Virginia in addressing the reduction of state aid when the length of the school term is below 180 teaching days or 990 teaching hours due to school closings as a result of severe weather conditions or other emergency situations.

Financial impact

Please identify the anticipated financial impact of the proposed regulation and at a minimum provide the following information:

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	None
Projected cost of the regulation on localities	None
Description of the individuals, businesses or other entities likely to be affected by the regulation	None
Agency's best estimate of the number of such entities that will be affected	None
Projected cost of the regulation for affected individuals, businesses, or other entities	None

This regulation imposes a new certification requirement on school divisions. (See paragraph B of 8VAC20-520-60.) Currently, school divisions provide numerous data to the department related to financial information, compliance reporting, and state report card information. These data are transmitted in a variety of forms, ranging from web-enabled data base collections to hard copy submissions.

School divisions will be required to track missed school time and plans for make up time in a format consistent with the department's certification requirements. Even though school divisions already track missed instructional time and make-up days, the regulations will still impose additional requirements because of issues related to conformity with state certification parameters.

It is expected that the administrative burden due to the new reporting requirement could be absorbed within existing resources at the both the state and local level. However, it should be noted that additional reporting requirements put a great administrative burden on school divisions, especially those that are small.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

There are no real alternatives. If a permanent regulation is not promulgated by February 25, 2006, the emergency regulation will expire and will revert back to a regulation that does not comport with the Code of Virginia.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

There should not be any impact on the institution of the family or family stability. The Board of Education had promulgated an emergency regulation to address requirements that were passed by the 2004 General Assembly. That regulation will expire on February 25, 2006. This regulation makes the provisions of the emergency regulation permanent.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

(a) The chart below details all of the changes that have been made between the pre-emergency regulation and the proposed regulation.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
None	5	No definitions are provided.	Section 5 provides definitions to clarify the meaning of the regulations.
None.	20	The regulation itself does not state the length of the school year term.	Section 20 prescribes the length of the school term in teaching days and teaching hours as prescribed by the Code of Virginia and the <i>Regulations Establishing Standards for Accrediting Public Schools in Virginia</i> , 8 VAC 20-131-150.
10	30	Prescribes how days may be made up.	Section 10 is being repealed in its entirety. Section 30 prescribes how days may be made up in accordance with the changes to the Code of Virginia. Section 30 clarifies how school divisions may extend teaching days to make up for lost instructional time. Section 30 also clarifies that school divisions are not precluded from making up missed teaching days by providing students with teaching hours equivalent to such missed teaching days.
10	40	Prescribes the conditions and process for the granting of a waiver.	Section 10 is being repealed in its entirety. Section 40 prescribes the conditions and process for the granting of a waiver in accordance with the changes to the Code of

			Virginia.
10	50	There is no provision regarding funding.	Section 10 is being repealed in its entirety. Section 50 prescribes the conditions that must be met in order not to have a reduction in funding.
10	60	There is no provision regarding administration.	Section 10 is being repealed in its entirety. Section 60 prescribes notification requirements for the Virginia Department of Education and certification requirements for local school divisions.

(2) The proposed regulation mirrors the emergency regulation. Therefore, no changes have been made since the publication of the emergency regulation.

Board of Education Agenda Item

Item: _____ F. _____

Date: _____ June 22, 2005 _____

Topic: First Review of Technical Amendments to the Regulations Governing Licensure of School Personnel to Implement House Bill 2790, Senate Bill 949, and House Bill 2832

Presenter: Dr. Thomas A. Elliott, Assistant Superintendent for Teacher Education and Licensure

Telephone Number: (804) 371-2522

E-Mail Address: Thomas.Elliott@doe.virginia.gov

Origin:

_____ Topic presented for information only (no board action required)

X Board review required by

X State or federal law or regulation

_____ Board of Education regulation

_____ Other: _____

X Action requested at this meeting _____ Action requested at future meeting: _____ (date)

Previous Review/Action:

_____ No previous board review/action

_____ Previous review/action

date _____

action _____

Background Information:

The 2005 General Assembly approved three bills that require technical amendments to the *Regulations Governing the Licensure of School Personnel*. The Administrative Process Act (Section 2.2-4006 of the *Code of Virginia*) exempts revisions to regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved from its requirements.

House Bill 2790 requires that the Board of Education, in its regulations governing teacher licensure, establish criteria and a procedure to allow persons seeking initial licensure as teachers through an alternative route as defined by Board regulations to substitute experiential learning in lieu of coursework.

§ 22.1-298. Regulations governing licensure.

D. The Board's licensure regulations shall also establish criteria and a procedure to allow persons seeking initial licensure as teachers through an alternative route as defined in Board regulations to substitute experiential learning in lieu of coursework.

Senate Bill 949 requires the Board of Education regulations to provide for licensure by reciprocity for individuals who hold a valid out-of-state license.

§ 22.1-298. Regulations governing licensure.

...F. The Board shall prescribe a professional teacher's examination for administration by Virginia's public institutions of higher education as provided in § 23-9.2:3.4 to persons seeking entry into teacher education programs in such public institutions and shall establish a minimum passing score for such examination. The examination shall be sufficiently rigorous and the minimum score set as necessary to ensure that candidates have adequate academic and professional preparation to teach.

Candidates who fail to achieve the minimum score established by the Board shall not be denied entrance into the relevant teacher education programs solely on the basis of such failure and shall have the opportunity to address any deficiencies if enrolled in such program. ~~Before completing any approved teacher education program, candidates must achieve the minimum score on the test prescribed by the Board.~~

The Board of Education, in consultation with the State Council of Higher Education, shall develop guidelines for performance reports to be submitted by the public institutions of higher education pursuant to § 23-9.2:3.4. Such reports shall include annual data on the pass rates, by institution, of graduates of Virginia's institutions of higher education taking the state licensure examination and shall not include any information identifying individual graduates.

G. The Board's licensure regulations shall also provide for licensure by reciprocity ~~with:~~

1. *With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts; and*
2. *For individuals who have obtained a valid out-of-state license that is in force at the time the application for a Virginia license is made. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. A professional teacher's assessment for the purpose set forth in subsection F of this section and service requirements shall not be imposed for these licensed individuals.*

House Bill 2832 requires the Board of Education to suspend or revoke the administrative or teaching license of any person who knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes these drugs to be procured, sold, or administered to students, or by failing to report student use of anabolic steroids.

§ 22.1-292.2. Suspension or revocation of license for procuring, selling, or administering anabolic steroids.

A. The Board of Education shall suspend or revoke the administrative or teaching license it has issued to any person who knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to the school principal and division superintendent as required by § 22.1-279.3:1. Any person whose administrative or teaching license is suspended or revoked by the Board pursuant to this section shall be ineligible for three school years for employment in the public schools of the Commonwealth.

B. Any suspension or revocation imposed in accordance with this section shall be rendered pursuant to Board regulations promulgated pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) and § 22.1-298, governing the licensure of teachers.

Summary of Major Elements:

The revised sections of the *Regulations Governing the Licensure of School Personnel* are attached. New language is underlined.

The changes in the regulations are made to align the regulations with the *Code of Virginia*; therefore, the regulations should be exempted from the public participation process of the Administrative Process Act. Upon approval of the regulations by the Board of Education, the Department of Education will request that the regulations be published in the *Virginia Register of Regulations* in final form.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review, approve the technical revisions to the *Regulations Governing the Licensure of School Personnel*, and authorize personnel of the Department of Education to proceed with the requirements of the Administrative Process Act.

Impact on Resources: N/A

Timetable for Further Review/Action:

The timetable for further action will be governed by the requirements of the Administrative Process Act.

TECHNICAL AMENDMENTS TO THE
REGULATIONS GOVERNING THE LICENSURE OF SCHOOL PERSONNEL
TO IMPLEMENT HOUSE BILL 2790, SENATE BILL 949, AND HOUSE BILL 2832

Section 8VAC20-21-80 in the *Regulations Governing the Licensure of School Personnel*

8VAC20-21-80. Alternative routes to licensure.

- ...C. Alternative programs developed by institutions of higher education (i) recognize the unique strengths of prospective teachers from nontraditional backgrounds and (ii) prepare these individuals to meet the same standards that are established for others who are granted a Provisional License.
- D. Persons seeking initial licensure as teachers through an alternative route as defined in Board of Education regulations may substitute experiential learning in lieu of coursework in accordance with Board criteria and procedures.

Section 8VAC20-21-90 in the *Regulations Governing the Licensure of School Personnel*

8VAC20-21-90. Conditions for licensure by reciprocity.

- A. An individual coming into Virginia from any state may qualify for a Virginia teaching license with comparable endorsement areas if the individual has completed a state-approved teacher training program through a regionally accredited four-year college or university, or if the individual holds a valid out-of-state teaching license which must be in force at the time the application for a Virginia license is made. An individual seeking licensure must establish a file in the Department of Education by submitting a complete application packet, which includes official student transcripts. A professional teacher's assessment prescribed by the Board of Education must be satisfied.
- B. An individual coming into Virginia will qualify for a Virginia teaching license with comparable endorsement areas if the individual holds national certification from the National Board for Professional Teaching Standards (NBPTS) or a nationally recognized certification program approved by the Board of Education.

- C. Licensure by reciprocity is provided for individuals who have obtained a valid out-of-state license that is in force at the time the application for a Virginia license is made. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. A professional teacher's assessment for the purpose set forth in subsection F of Section 22.1-298 of the Code of Virginia and service requirements shall not be imposed for these licensed individuals.

Section 8VAC20-21-660 and 8VAC20-21-680 in the *Regulations Governing the Licensure of School Personnel*

8VAC20-21-660. Revocation.

- A. A license issued by the Board of Education may be revoked for the following reasons:
1. Obtaining or attempting to obtain such license by fraudulent means or through misrepresentation of material facts;
 2. Falsification of school records, documents, statistics, or reports;
 3. Conviction of any felony;
 4. Conviction of any misdemeanor involving moral turpitude;
 5. Conduct, such as immorality, or personal condition detrimental to the health, welfare, discipline, or morale of students or to the best interest of the public schools of the Commonwealth of Virginia;
 6. Misapplication of or failure to account for school funds or other school properties with which the licensee has been entrusted;
 7. Acts related to secure mandatory tests as specified in §22.1-292.1 of the Code of Virginia; ~~or~~
 8. Knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to the school principal and division superintendent as required by §22.1-279.3:1. Any person whose administrative or teaching license is suspended or revoked by the Board pursuant to this section shall be ineligible for three school years for employment in the public schools of the Commonwealth;
or
 89. Other good and just cause of a similar nature.

8VAC20-21-680. Suspension.

- A. A license may be suspended for the following reasons:
1. Physical, mental, or emotional incapacity as shown by a competent medical authority;
 2. Incompetence or neglect of duty;
 3. Failure or refusal to comply with school laws and regulations, including willful violation of contractual obligations;
 4. Acts related to secure mandatory tests as specified in §22.1-292.1 of the Code of Virginia; ~~or~~
 5. Knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to the school principal and division superintendent as required by §22.1-279.3:1. Any person whose administrative or teaching license is suspended or revoked by the Board pursuant to this section shall be ineligible for three school years for employment in the public schools of the Commonwealth;
or
 56. Other good and just cause of a similar nature.

Board of Education Agenda Item

Item: _____ G. _____

Date: _____ June 22, 2005 _____

Topic: Final Review of a Recommendation from the Special Committee of the Board of Education to Study and Make Recommendations Relative to Teacher Licensure Assessments

Presenter: Mr. Thomas M. Jackson, Jr., President of the Virginia Board of Education

Telephone Number: _____ **E-Mail Address:** _____

Origin:

_____ Topic presented for information only (no board action required)

x Board review required by

_____ x State or federal law or regulation

_____ Board of Education regulation

_____ Other: _____

x Action requested at this meeting _____ Action requested at future meeting: _____ (date)

Previous Review/Action:

_____ No previous board review/action

x Previous review/action

date March 23, 2005, and May 25, 2005

action March 23, 2005: The Board of Education approved the establishment of the Special Committee of the Board of Education to Study and Make Recommendations Relative to Teacher Licensure Assessments.

May 25, 2005: The Board of Education received the Recommendation from the Special Committee of the Board of Education to Study and Make Recommendations Relative to Teacher Licensure Assessments for first review.

Background Information:

The Board of Education is authorized to prescribe requirements for the licensure of teachers. Section 22.1-298 of the Code of Virginia states, in part, the following:

- A. The Board of Education shall, by regulation, prescribe the requirements for licensure of teachers. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

B. Such regulations shall include requirements that:

1. Every teacher seeking initial licensure take a professional teacher's examination prescribed by the Board;...

C. Notwithstanding any provision of law to the contrary, the Board may provide for the issuance of a provisional license, valid for a period not to exceed three years, to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law.

On March 23, 2005, the Virginia Board of Education approved the establishment of a *Special Committee of the Board of Education to Study and Make Recommendations Relative to Teacher Licensure Assessments*. The committee was charged with the responsibility for examining the use of teacher licensure assessments in Virginia and other states and making recommendations to the Board of Education. The committee's assignment was to include, but not be limited to, an examination of appropriate sections of the *Code*, including regulations governing licensure of teachers; the federal requirements regarding teacher quality; the use of teacher licensure assessments in other states; and options for using various teacher licensure assessments in the preparation and licensing of teachers.

Summary of Major Elements:

The *Special Committee of the Board of Education to Study and Make Recommendations Relative to Teacher Licensure Assessments* was established and included representation from the Board of Education, Virginia General Assembly, Advisory Board on Teacher Education and Licensure, the Virginia Congress of Parents and Teachers, the Virginia Education Association, the State Council for Higher Education in Virginia, institutions of higher education with approved teacher education programs, school division superintendents, school principals, and school division human resources directors.

The committee held four meetings on the following dates: March 31, 2005, April 13, 2005, April 22, 2005, and May 10, 2005. During the meetings, the committee received presentations on national and state perspectives on teacher education and licensure assessments and engaged in discussions with presenters. The presenters from other states included Jane P. Norwood, Vice-Chair, North Carolina Board of Education; Dr. Carol Gilbert, Executive Director for Educator Preparation and Quality, Massachusetts Department of Education; Dr. Marilyn Troyer, Associate Superintendent for the Teaching Profession, Ohio Department of Education; and Dr. Louise A. Tanney, Coordinator of Teacher and Principal Assessment, Division of Certification and Accreditation, Maryland State Department of Education. In addition, the following individuals presented national perspectives on assessments: Dr. Charles Coble, Vice-President, Policy Studies and Programs, Education Commission of the States, Denver, Colorado; Kate Walsh, President of the National Council on Teacher Quality, Washington, DC; Dr. Jane Hannaway, Education Policy Urban Institute for Economic and Social Policy Research, Washington, DC; and Dr. Randy Thompson, Vice-President of the American Board for Certification of Teacher Excellence (ABCTE), Washington, D.C. Opportunities for public comment also were provided during two of the four committee meetings.

During the May 10, 2005, meeting the committee unanimously approved the following recommendation and implementation requirements to be submitted to the Board of Education for review and action:

The Special Committee of the Board of Education to Study and Make Recommendations Relative to Teacher Licensure Assessments recommended that the Board of Education prescribe the following professional teacher's examinations for initial licensure in Virginia: (1) Literacy and Communication Skills Assessment; (2) Praxis II (content assessment); and (3) if applicable, the Virginia Reading Assessment.

The implementation of the prescribed professional teacher's examinations would include the following guidelines:

1. The assessments [Literacy and Communication Skills Assessment, Praxis II, and the Virginia Reading Assessment (VRA), if applicable] will be required for all individuals seeking initial licensure in Virginia except individuals who have completed a minimum of two years of full-time, successful teaching experience with an effective license from another state at the time of application. The proposed effective date for the implementation of the licensure assessments is January 1, 2006, depending on the timeframe to develop the Literacy and Communication Skills assessment.
2. The Literacy and Communication Skills Assessment will be composed of two areas—reading and writing. The test will measure communication and literacy skills necessary to teach and communicate effectively with parents and others in the education community.

[Individuals will be asked to demonstrate comprehension and analysis of readings; development of ideas in essay form on specific topics, outlining and summarizing; interpreting tables and graphs; mastery of grammar, and mechanics; vocabulary; and writing.]
3. Requirements for admission into approved programs, including entry assessments, will be set forth in the *Regulations Governing the Approved Programs for Virginia Institutions of Higher Education*.
4. Individuals otherwise eligible for licensure who have not completed the assessment requirements may be issued a provisional license not to exceed one full school year. (This guideline was approved by the special committee by a vote of 7 to 5.)
5. Individuals seeking the Pupil Personnel Services License and the Technical Professional License will not be subject to the assessments. *Regulations Governing the Approved Programs for Virginia Institutions of Higher Education* and the *Regulations Governing the Licensure of School Personnel* will set forth the communication and literacy competencies for these license types.

On May 11, 2005, the recommendations of the *Special Committee of the Board of Education to Study and Make Recommendations Relative to Teacher Licensure Assessments* were presented to the Advisory Board on Teacher Education and Licensure. The advisory board voted unanimously to support the committee's recommendation to the Board of Education.

Superintendent's Recommendation: N/A

Impact on Resources: N/A

Timetable for Further Review/Action: N/A

Board of Education Agenda Item

Item: _____ H. _____

Date: _____ June 22, 2005 _____

Topic: Final Review of the Computer/Technology Standards of Learning for Grades K-12

Presenter: Mr. Lan Neugent, Assistant Superintendent for Technology

Telephone Number: 804-225-2757

E-Mail Address: Lan.Neugent@doe.virginia.gov

Origin:

☐ Topic presented for information only (no board action required)

☐ Board review required by

☒ State or federal law or regulation

☐ Board of Education regulation

☐ Other: _____

☒ Action requested at this meeting

☐ Action requested at future meeting:

Final adoption of the Computer/Technology Standards of Learning for Grades K-12.

Previous Review/Action:

☐ No previous board review/action

☒ Previous review/action

First Review of the Timeline for the Review and Approval of the Computer/Technology Standards of Learning for Grades K-12

date: September 22, 2004

action: The Board of Education accepted the timeline for the review process for the Computer/Technology Standards of Learning.

First Review of the Computer/Technology Standards of Learning for Grades K-12

date: March 25, 2005

action: The Board of Education approved the dissemination of the proposed Computer/Technology Standards of Learning and established a date for public hearings.

Public Hearing on Proposed Computer/Technology Standards of Learning for Grades K-12

date: May 25, 2005

action: The Board of Education conducted a public hearing on the proposed Computer/Technology Standards of Learning.

Background Information:

The Board of Education adopted a schedule for review and revisions to the Standards of Learning at its September 22, 2004, meeting. Accordingly, the Computer/Technology standards are scheduled for revision in 2005. (Code of Virginia § 22.1-253.13:1-2 By October 1, 2000, the Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.) The Board of Education conducted a public hearing on the proposed Computer/Technology Standards on May 25, 2005.

Summary of Major Elements

A review of comments on the existing Computer/Technology Standards for Grades K-12 revealed several major areas of concern:

- There is insufficient emphasis on the ethical and responsible use of computers
- Computer/technology skills should not be taught in isolation; but integrated in all areas of the curriculum
- Instruction of computer skills should not be limited to specific grade levels or content areas
- Students need earlier exposure to a variety of technologies and software applications

In response to input, a set of standards were drafted that address the concerns of educational technology stakeholders as well as reflect a consensus of identification of technology skills and competencies that students in grades K-12 should exhibit. The proposed standards cover foundation technology skills and competencies for students that include:

- Basic Operations and Concepts
- Social and Ethical Issues
- Technology Productivity Tools
- Technology Communication Tools
- Technology Research Tools
- Technology Problem-Solving and Decision-Making Tools

Since the introduction of the current Computer/Technology Standards in 1995 and 2000, the use of technology in schools and classrooms has increased in the use of newer, more advanced technologies has become commonplace. The proposed standards are organized into four grade ranges: K-2, 3-5, 6-8, and 9-12. This provides greater opportunity for students to develop, reinforce, and amplify their skills.

Following the March 23, 2005, Board of Education meeting, a superintendent's memo was distributed. The proposed standards were included in the memo along with information announcing the public hearing on May 25, 2005. An email address was also provided to receive comments. Information regarding the proposed standards and the public hearing was communicated to various stakeholder groups and organizations.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education adopt the Computer/Technology Standards for Grades K-12.

Impact on Resources:

The impact on resources is not expected to be significant.

Timetable for Further Review/Action:

Upon adoption by the board, the Department of Education will distribute the Computer/Technology Standards for Learning for Grades K-12 to school divisions and implement procedures for providing technical assistance and resources as part of the statewide system of support.

Proposed

**Computer Technology
Standards of Learning
For Virginia's Public Schools**

June 22, 2005

**Board of Education
Commonwealth of Virginia**

Proposed Computer/Technology Standards of Learning

Introduction

Technology Literate

*...to possess technology skills that support learning,
personal productivity, decision making, and daily life.*

Six-Year Educational Technology Plan for Virginia, 2003-2009

The Computer/Technology Standards of Learning identify and define the progressive development of essential knowledge and skills necessary for students to access, evaluate, use and create information using technology. They provide a framework for technology literacy and demonstrate a progression from physical manipulation skills for the use of technology, to intellectual skills necessary for information use, to skills needed for working responsibly and productively within groups. Computer/technology proficiency is not an end in itself, but lays the foundation for continuous learning. The focus is on learning using technology rather than learning about technology.

To become technologically proficient, the student must develop the skills through integrated activities in all content areas K-12, rather than through one specific course. These skills should be introduced and refined collaboratively by all K-12 teachers as an integral part of the learning process. Teachers can use these standards as guidelines for planning technology-based activities in which students achieve success in learning, communication, and prepare them to meet the challenges of today's technology-rich world of work.

Proposed Computer/Technology Standards of Learning

Grades K-2

Basic Operations and Concepts

- C/T K-2.1 ~~Students~~ The student will demonstrate knowledge an understanding of the nature and operation of technology systems.
- Identify the computer as a machine that helps people at school, work, and play.
 - ~~Demonstrate~~ Use technology to demonstrate the an ability to perform a variety of tasks; among them turning on and off a computer, starting and closing programs, saving work, creating folders, using pull-down menus, closing windows, dragging objects, and responding to commands.
- C/T K-2.2 ~~Students are~~ The student will demonstrate proficient proficiency in the use of technology.
- Demonstrate the use of mouse, keyboard, printer, multimedia devices, and earphones.
 - Use multimedia resources such as interactive books and software with graphical interfaces.

~~Social, and Ethical, and Human Issues~~

- C/T K-2.3 ~~Students~~ The student will practice responsible use of technology systems, information, and software.
- Know the school's rules for using computers.
 - Understand the importance of ~~not sharing~~ protecting personal information or passwords, ~~with others.~~
 - Understand the basic principles of the ownership of ideas.
- C/T K-2.4 ~~Students develop positive attitudes towards technology.~~ The student will use technology responsibly.
- Demonstrate respect for the rights of others while using computers.
 - Understand the responsible use of equipment and resources.

Technology Research Tools

- C/T K-2.5 ~~Students~~ The student will use technology to locate, evaluate, and collect information from a variety of sources.
- Identify information in various formats.
 - Identify available sources of information.

Proposed Computer/Technology Standards of Learning

Problem-solving and Decision-making Tools

C/T K-2.6 ~~Students~~ The student will use technology resources for solving problems and making informed decisions.

- Recognize that technology can be used to solve problems and make informed decisions.
- Identify and select technologies to address problems.

Technology Communication Tools

C/T K-2.7 ~~Students~~ The student will use a variety of media and formats to communicate information and ideas effectively to multiple audiences.

- Identify the best tool to communicate information.
- Use technology tools for individual writing, communication, and publishing activities.
- Demonstrate the ability to create, save, retrieve, and print document.

Proposed Computer/Technology Standards of Learning

Grades 3-5

Basic Operations and Concepts

- C/T 3-5.1 ~~Students~~ The student will demonstrate knowledge ~~an understanding~~ of the nature and operation of technology systems.
- Discuss common uses of computers in their daily life and the advantages and disadvantages those uses provide.
 - Communicate about basic technology components with appropriate terminology.
- C/T 3-5.2 ~~Students~~ The student ~~are~~ will demonstrate ~~proficient~~ proficiency in the use of technology.
- Use skills and procedures needed to operate various technologies such as scanners, digital cameras and hand-held computers.
 - Identify basic software applications such as word processing, databases, and spreadsheets.

Social, and Ethical, and Human Issues

- C/T 3-5.3 ~~Students~~ The student will ~~understand~~ demonstrate knowledge of the ethical, cultural, and societal issues related to technology.
- Identify how technology has changed society in areas such as communications, transportation, and the economy.
 - Discuss ethical behaviors when using information and technology.
- C/T 3-5.4 ~~Students~~ The student will practice responsible use of technology systems, information, and software.
- Understand the need for the school division's acceptable use policy.
 - Discuss the rationale of fair use and copyright regulations.
 - Follow rules for personal safety when using the Internet.
- C/T 3-5.5 ~~Students~~ The student will ~~develop positive attitudes towards technology~~ ~~uses~~ demonstrate knowledge of technologies that support ~~lifelong learning,~~ collaboration, personal pursuits, and productivity.
- Work collaboratively when using technology.
 - Practice and communicate respect for people, equipment, and resources.
 - Understand how technology expands opportunities for learning.

Technology Research Tools

- C/T 3-5.6 ~~Students~~ The student will use technology to locate, evaluate, and collect information from a variety of sources.
- Collect information from a variety of sources.
 - Evaluate the accuracy of electronic information sources.
 - Enter data into databases and spreadsheets.

Proposed Computer/Technology Standards of Learning

Problem-solving and Decision-making Tools

- C/T 3-5.7** ~~Students~~ The student will use technology resources for solving problems and making informed decisions.
- Determine when technology tools are appropriate to solve a problem and make a decision.
 - Select resources to solve problems and make informed decisions.

Technology Communication Tools

- C/T 3-5.8** ~~Students~~ The student will use a variety of media and formats to communicate information and ideas effectively to multiple audiences.
- Produce documents demonstrating the ability to edit, reformat, and integrate various software tools.
 - Use technology tools for individual and collaborative writing, communication, and publishing activities.
 - Use telecommunication tools to communicate and share information with others.

Proposed Computer/Technology Standards of Learning

Grades 6-8

Basic Operations and Concepts

- C/T 6-8.1 ~~Students~~ The student will demonstrate ~~an understanding~~ knowledge of the nature and operation of technology systems.
- Describe how technology impacts learning.
 - Explore how software and hardware are developed to respond to the changing needs of technology.
 - Describe compatibility issues, between various types of technology.
- C/T6-8.2 ~~Students~~ The student will demonstrate ~~are proficient~~ proficiency in the use of technology.
- Understand that hardware and software have different operating systems that may affect their use.
 - Use self-help features such as online tutorials and manuals to learn to use hardware and software.

Social, and Ethical, and Human Issues

- C/T 6-8.3 ~~Students~~ The student will ~~understand the~~ demonstrate knowledge of the ethical, cultural, and societal issues related to technology.
- Demonstrate knowledge of current changes in information technologies.
 - Explain the need for laws and policies to govern technology.
 - Explore career opportunities in technology related careers.
- C/T 6-8.4 ~~Students~~ The student will practice responsible use of technology systems, information, and software.
- Demonstrate the correct use of fair use and copyright regulations.
 - Demonstrate compliance with the school division's Acceptable Use Policy and other legal guidelines.
- C/T 6-8.5 ~~Students~~ The student will ~~develop positive attitudes towards~~ demonstrate knowledge of technology uses technologies that support ~~lifelong learning,~~ collaboration, personal pursuits, and productivity.
- Work collaboratively and/or independently when using technology.
 - Practice preventative maintenance of equipment, resources, and facilities.
 - Explore the potential of the Internet as a means of personal learning and the respectful exchange of ideas and products.

Proposed Computer/Technology Standards of Learning

Technology Research Tools

C/T 6-8.6 ~~Students~~ The student will use technology to locate, evaluate, and collect information from a variety of sources.

- Use databases and spreadsheets to evaluate information.
- Use technology resources such as calculators and data collection probes for gathering information.
- Use Internet and other electronic resources to locate information in real time.

C/T 6-8.7 ~~Students~~ The student will evaluate and select new information resources and technological innovations based on the appropriateness for specific tasks.

- Use search strategies to retrieve information.
- Evaluate the accuracy, relevance, and appropriateness of electronic information sources.

Problem-solving and Decision-making Tools

C/T 6-8.8 ~~Students~~ The student will use technology resources for solving problems and making informed decisions.

- Employ technology in the development of strategies for solving problems.
- Use a variety of technologies to identify and provide possible solutions to real-world problems.
- Use content-specific tools, software, and simulations such as environmental probes, graphic calculators, exploratory environments, and web tools.
- Participate in collaborative problem-solving activities.
- Select and use appropriate tools and technology resources to accomplish a variety of tasks.

Technology Communication Tools

C/T 6-8.9 ~~Students~~ The student will use a variety of media and formats to communicate information and ideas effectively to multiple audiences.

- Choose the appropriate tool, format, and style to communicate information.
- Independently use technology tools to create and communicate for individual and/or collaborative projects.
- Produce documents demonstrating the ability to edit, reformat, and integrate various software tools.

Proposed Computer/Technology Standards of Learning

Grades 9-12

Basic Operations and Concepts

- C/T 9-12.1 ~~Students~~ The student will demonstrate ~~an understanding~~ knowledge of the nature and operation of technology systems.
- Discuss the inherent advantages and limitations of technology.
 - Define the relationship between infrastructure, electronic resources, and connectivity.
 - Identify and describe the impact of new and emerging technologies and their applications.
- C/T 9-12.2 ~~Students~~ The student will ~~are proficient~~ demonstrate proficiency in the use of technology.
- Identify and resolve hardware and software compatibility issues.
 - Develop and communicate strategies for solving routine hardware and software problems.

~~Social, and Ethical, and Human Issues~~

- C/T 9-12.3 ~~Students~~ The student will ~~understand the~~ demonstrate knowledge of the ethical, cultural, and societal issues related to technology.
- Assess the potential of information and technology to address personal, ~~lifelong learning~~, and workplace needs.
 - Demonstrate knowledge of electronic crimes such as viruses, pirating, and computer hacking.
 - Explore and participate in online communities, and online learning opportunities.
 - Identify the role that technology will play in future career opportunities.
- C/T 9-12.4 ~~Students~~ The student will practice responsible use of technology systems, information, and software.
- Adhere to fair use and copyright guidelines.
 - Adhere to the school division's Acceptable Use Policy as well as other state and federal laws.
 - Model respect for intellectual property.
- C/T 9-12.5 ~~Students~~ The student will ~~develop positive attitudes towards technology~~ uses demonstrate knowledge of technologies that support ~~lifelong learning~~, collaboration, personal pursuits, and productivity.
- Respectfully collaborate with peers, experts, and others to contribute to an electronic community of learning.
 - Model responsible use and respect for equipment, resources, and facilities.

Proposed Computer/Technology Standards of Learning

Technology Research Tools

- C/T 9-12.6 ~~Students~~ The student will use technology to locate, evaluate, and collect information from a variety of sources.
- Integrate databases, spreadsheets, charts, and tables to create reports.
 - Use available technological tools to expand and enhance understanding of ideas and concepts.
- C/T 9-12.7 ~~Students~~ The student will evaluate and select new information resources and technological innovations based on the appropriateness for specific tasks.
- Analyze and draw conclusions about the comprehensiveness and bias of electronic information sources.
 - Design and implement a variety of search strategies to retrieve electronic information.

Problem-solving and Decision-making Tools

- C/T 9-12.8 ~~Students~~ The student will use technology resources for solving problems and making informed decisions.
- Investigate and apply expert systems, intelligent agents, and simulations in real-world situations.
 - Select and apply technology tools for information analysis, problem-solving, and decision-making.
 - Use technology resources such as educational software, simulations, and models for problem-solving, and independent learning.
 - Produce and disseminate information through collaborative problem-solving activities.

Technology Communication Tools

- C/T 9-12.9 ~~Students~~ The student will use a variety of media and formats to communicate information and ideas effectively to multiple audiences.
- Determine the most effective tool, format, and style to communicate to specific audiences.
 - Use technology-based options, including distance and distributed education, to collaborate, research, publish, and communicate.
 - Practice self-directed use of advanced technology tools for communicating with specific audiences.

Board of Education Agenda Item

Item: I.

Date: June 22, 2005

Topic: First Review of the Board of Education's Comprehensive Plan: 2005-2010

Presenter: Ms. Anne D. Wescott, Assistant Superintendent for Policy and Communications

Telephone: 804/ 225-2403

E-mail: Anne.Wescott@doe.virginia.gov

Origin:

☐ Topic presented for information only (no board action required)

☐ Board review required by

☒ State or federal law or regulation

☐ Board of Education regulation

☐ Other: Board of Education By-laws

☐ Action requested at this meeting:

☒ Action requested at future meeting: Final review and adoption of the comprehensive plan:

Date to be determined.

Previous Review/Action:

☐ No previous board review/action

☒ Previous review/action:

date: April 2005

☐ action: Received report on the requirements in the Code of Virginia regarding the Board of Education's comprehensive plan and discussed priorities to be included in the revised plan.

Background Information: The Standards of Quality, as amended by the 2005 General Assembly (effective July 1, 2005), establishes the requirement that Board of Education adopt a comprehensive, long-range plan. In the past, the Standards of Quality required the Board of Education to develop a *six-year* plan. The amended language calls for a *comprehensive, long-range* plan.

The 2005 amendments to the Standards of Quality are as follows:

§ 22.1-253.13:6. Standard 6. Planning and public involvement.

A. The Board of Education shall ~~revise, extend and adopt biennially~~ a statewide ~~six-year comprehensive, unified, long-range plan that based on data collection, analysis, and evaluation.~~ Such plan shall be developed with statewide participation. *The Board shall review the plan biennially and adopt any necessary revisions.* The Board shall post ~~such the~~ plan on the Department of Education's website if practicable, and, in any case, shall make a hard copy of such plan available for public inspection and copying.

This plan shall include the objectives of public education in Virginia, *including strategies for improving student achievement then maintaining high levels of student achievement;* an assessment of the extent to which these objectives are being achieved; a forecast of enrollment changes; and an assessment of the needs of public education in the Commonwealth. In the annual report required by § ~~22.1-18~~, the Board shall include an analysis of the extent to which these Standards of Quality have been achieved and the objectives of the statewide ~~six-year comprehensive~~ plan have been met. The Board shall also develop, consistent with, *or as a part of,* its ~~six-year comprehensive~~ plan, a detailed ~~six-year comprehensive, long-range~~ plan to integrate educational technology into the Standards of Learning and the curricula of the public schools in Virginia, including career and technical education programs. The Board shall review and approve the ~~six-year comprehensive~~ plan for educational technology and may require the revision of such plan as it deems

The Board of Education's *Six-Year Plan: 2003-2008* was adopted in January 2003 and is currently in effect. The document describes the Board's current priorities. In addition to detailing the Board of Education's priorities, the *Six-Year Plan: 2003-2008* contains timelines and activities related to implementing the various components of the priorities. Since the six-year plan was adopted in January 2003, many of the activities associated with the priorities have been completed or are now substantially underway.

At its annual planning session in April 2005, the Board of Education engaged in an in-depth discussion related to revising and updating the current six-year plan, as required by the Code. During the discussion, which was led by Ms. Brenda Welburn, executive director of the National Association of State Boards of Education (NASBE), the Board of Education members identified critical issues and needs for public education in Virginia. In addition to the needs and priorities identified in the current six-year plan, the Board identified emerging critical issues, including the following:

Critical education issues for public education in Virginia:

- Helping chronically low-performing divisions and schools
- Providing technical assistance to divisions and schools that do not make AYP
- Helping to correct dysfunctional school boards
- Exploring and promoting alternative paths toward school improvement
- Helping school divisions meet complex requirements of state and federal laws and regulations

- Meeting state-level requirements under state and federal laws and regulations in ways that are helpful to local divisions
- Revamping high school programs to make the programs as relevant and productive as possible for meeting student needs
- Maintaining and improving the system of school accreditation
- Helping to provide strong career and technical education programs
- Revamping and improving the academic review process, including the division-level review process
- Expanding instructional support services (i.e., guidance counseling programs)
- Attracting and retaining high quality teachers/administrators
- Ensuring quality teacher preparation and licensure programs and policies
- Helping to provide high quality professional development for classroom teachers and other school personnel
- Advocating for better, competitive teacher salaries
- Assisting children with the most need
- Preventing dropouts and devising alternative programs to address their needs
- Maintaining services and support for high achieving students
- Closing the achievement gap among groups of students
- Addressing the needs of minority and ESL students
- Advocating for and partnering with other entities involved in early childhood education programs, especially those programs for the birth to age 5 group
- Serving students in the middle; i.e., the average child

Following the Board of Education's discussion in April, the Department of Education staff developed a draft comprehensive plan for the Board's review (attached).

Summary of Major Elements: The Board of Education is requested to:

- 1) Review the draft comprehensive plan to ensure that the text accurately and completely reflects the views and priorities of the Board; and
- 2) Suggest changes and additions to the draft text, as the Board deems appropriate, to be incorporated into the text prior to distribution for public comment.

The draft comprehensive plan outlines eight objectives, along with strategies/activities to meet the objectives that will provide the framework for the Board of Education's focus for the near future:

Objective 1: The Board of Education will improve the quality standards for all public schools in Virginia.

Objective 2: The Board of Education will provide leadership to help schools and school divisions close the achievement gap and increase the academic success of all students.

Objective 3: The Board of Education will work to ensure meaningful, on-going professional development for teachers and administrators.

Objective 4: The Board of Education will support accountability for all schools, with a focus on assisting chronically low-performing schools and school divisions.

Objective 5: The Board of Education will work cooperatively with partners to help ensure that young children are ready for school.

Objective 6: The Board of Education will assist teachers to improve the reading skills of all students, kindergarten through grade 12.

Objective 7: The Board of Education will continue efforts to enhance the training, recruitment, and retention of highly qualified teachers, educational support personnel, and administrators, with a focus on the needs of “hard to staff” schools.

Objective 8: The Board of Education will provide leadership for implementing the provisions of state and federal laws and regulations smoothly and with minimal disruption to local divisions.

Superintendent's Recommendation: N/A

Impact on Resources: N/A

Timetable for Further Review/Action: The Virginia Code requires that the comprehensive plan be developed with statewide participation. To that end, following the Board of Education’s approval of the draft, the Department of Education will distribute it widely across the state to invite comment and suggestions from local school officials, statewide and regional professional organizations, and interested individuals. The draft copy will also be posted on the Board of Education’s Web page. The public’s comments and suggestions will be submitted for the Board of Education’s consideration and will be incorporated into the text of the plan, as appropriate. The revised draft will be presented for final review and adoption at a future date to be determined by the Board of Education.

**BOARD OF EDUCATION
COMPREHENSIVE PLAN: 2005-2010**

***DRAFT
6/22/2005***

Board of Education
Commonwealth of Virginia
(date)

Members of the Board of Education As of May 30, 2005

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Virginia Department of Education

BOARD OF EDUCATION

COMPREHENSIVE PLAN: 2005-2010

Executive Summary

As required by § 22.1-253.13:6, Code of Virginia, the Board of Education's *Comprehensive Plan: 2005-2010* contains the following information:

- Statements of the Board of Education's vision and mission, which provide the framework for leadership, advocacy, and oversight for the public education system in Virginia. The statements are forward-looking and acknowledge the myriad programs and services of Virginia's public schools as well as the increasingly diverse needs of students.
- An assessment of the extent to which the objectives for public education are being met, which shows that for the past six years in which the current accreditation requirements have been in place, Virginia's public schools have steadily improved. However, the results also show that full accreditation is a goal yet to be achieved by some schools. Moreover, there remains a persistent and troubling achievement gap among groups of students, and many need costly, intensive instructional support to succeed in school.
- Projections showing that Virginia's public school enrollment of 1.2 million students will grow by about 43,000, or four percent, between 2005 and 2008.
- Demographic trends showing clearly that diverse population groups (i.e., limited English proficient and economically disadvantaged families) are increasingly making up a larger proportion of the overall population and that Virginia is experiencing shortages of teachers in certain subject areas. These trends pose serious challenges for public education.
- The objectives for public education, which are as follows:
 - Objective 1: The Board of Education will improve the quality standards for all public schools in Virginia.
 - Objective 2: The Board of Education will provide leadership to help schools and school divisions close the achievement gap and increase the academic success of all students.
 - Objective 3: The Board of Education will work to ensure meaningful, on-going professional development for teachers and administrators.
 - Objective 4: The Board of Education will support accountability for all schools, with a focus on assisting chronically low-performing schools and school divisions.
 - Objective 5: The Board of Education will work cooperatively with partners to help ensure that young children are ready for school.
 - Objective 6: The Board of Education will assist teachers to improve the reading skills of all students, kindergarten through grade 12.
 - Objective 7: The Board of Education will continue efforts to enhance the training, recruitment, and retention of highly qualified teachers, educational support personnel, and administrators, with a focus on the needs of "hard to staff" schools.
 - Objective 8: The Board of Education will provide leadership for implementing the provisions of state and federal laws and regulations smoothly and with minimal disruption to local divisions.

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Actions and accomplishments to meet
Board of Education objectives: 2003-2005

BOARD OF EDUCATION COMPREHENSIVE PLAN: 2005-2010

Introduction

The Board of Education's *Comprehensive Plan 2005-2010* covers the six-year time period of 2005 through 2010 and updates the objectives set forth in the Board's previous plan, which was entitled *Six-Year Plan: 2003-2008*. Building upon the previous plan, the two-year update reflected in this document provides the framework for resources and policy development to continue Virginia's forward momentum in student achievement.

Statutory requirement for revising the Comprehensive Plan

§ 22.1-253.13:6. Standard 6. Planning and public involvement.

A. The Board of Education shall adopt a statewide comprehensive, unified, long-range plan based on data collection, analysis, and evaluation. Such plan shall be developed with statewide participation. The Board shall review the plan biennially and adopt any necessary revisions. The Board shall post the plan on the Department of Education's website if practicable, and, in any case, shall make a hard copy of such plan available for public inspection and copying.

This plan shall include the objectives of public education in Virginia, including strategies for improving student achievement then maintaining high levels of student achievement; an assessment of the extent to which these objectives are being achieved; a forecast of enrollment changes; and an assessment of the needs of public education in the Commonwealth. In the annual report required by § 22.1-18, the Board shall include an analysis of the extent to which these Standards of Quality have been achieved and the objectives of the statewide comprehensive plan have been met. The Board shall also develop, consistent with, or as a part of, its comprehensive plan, a detailed comprehensive, long-range plan to integrate educational technology into the Standards of Learning and the curricula of the public schools in Virginia, including career and technical education programs. The Board shall review and approve the comprehensive plan for educational technology and may require the revision of such plan as it deems necessary...

The Board of Education's *Comprehensive Plan: 2005-2010* contains data on enrollment projections and other important demographic trends, a description of the Board of Education's objectives for public education in Virginia, a brief description of strategies used for improving student achievement and maintaining high levels of student achievement, and an assessment of the extent to which the Board's objectives are being achieved. Also, highlights of the strategies employed to meet the Board's objectives are described.

As noted in the above, the Code requires that the Board of Education include in its comprehensive plan an assessment of the needs of public education and a plan to integrate educational technology into the Standards of Learning and the curricula, including career and technical education programs. Pursuant to that requirement, the Board of Education has adopted three additional documents: (1) the Board of Education's annual report on the condition and needs of the public schools; (2) the *Six-Year Plan for Technology*; and (3) the state plan for career and technical education. When viewed with the comprehensive plan contained herein, the documents provide a comprehensive view of the Board's priorities, the condition and needs upon which the priorities are based, and the future direction and needs of our system of public

education. The Board of Education's annual report on the condition and needs of the public schools may be viewed at http://www.pen.k12.va.us/VDOE/VA_Board/home.shtml and the *Six-Year Plan for Technology* may be viewed at <http://www.pen.k12.va.us/VDOE/Technology/OET/resources.shtml#etp>. Information about Virginia's career and technical programs may be viewed at <http://www.pen.k12.va.us/VDOE/Instruction/CTE/>.

Of particular note, the Board of Education's priorities and performance targets for Virginia's public schools are embedded throughout the provisions of the Standards of Quality, the Standards of Accreditation, and the Standards of Learning. These and other key policy and regulatory documents of the Board of Education may be viewed on the Department of Education's Web site: www.doe.virginia.gov. The *No Child Left Behind Act of 2001* also contains performance expectations for the state and for the school divisions and the individual schools within the divisions.

Board of Education vision statement: 2005-2010

The vision of the Board of Education and the Superintendent of Public Instruction, in cooperation with local school boards and other partners, is to create an excellent statewide system of public education that equips all students with the knowledge and skills to excel in postsecondary education and careers and to become capable, responsible, and self-reliant citizens.

Board of Education mission statement: 2005-2010

The mission of the Board of Education and the Superintendent of Public Instruction, in cooperation with local school divisions, is to provide leadership, assistance, and oversight for Virginia's public schools in order to improve the achievement of all students by advocating for proven strategies to address the individual and diverse learning needs of students, establishing high standards for learning, measuring student performance, providing accountability to the public, and increasing opportunities for lifelong learning.

Assessment of progress in achieving objectives

In Virginia, academic standards are in place, and educators are implementing them. Virginia has a valid and reliable assessment system to gauge student progress, and accountability goals are set for English, mathematics, science, and history and social science. More than eight out of ten public schools in Virginia are now fully accredited, based on, among other key indicators, the performance of students on Standards of Learning (SOL) assessments. This shows remarkable improvement since 1998, when only two percent of our public schools were fully accredited.

In the elementary school arena for 2005, the number of elementary schools achieving the commonwealth's highest school-quality rating increased, even though the targets for achievement in reading, history, and science were higher than in previous years. In short, for the past six years in which the current accreditation requirements have been in place, Virginia's public schools have steadily improved.

In the secondary schools, more than 94 percent of the high school seniors who made up the class of 2004 graduated on schedule. This is an important milestone because members of the class of 2004 were the first students required to pass Standards of Learning tests to earn a diploma. Even with the tougher achievement requirements, the percentage of seniors who earned a diploma in 2004 is only two-tenths of a percentage point less than the previous five-years average of 94.5 percent. In 2003, 95.2 percent of the students in the senior class earned a diploma. In 2002, 94.3 percent of seniors earned a diploma—the same percentage as 2004, when the new graduation requirements took effect. Additional information regarding the assessment of the extent to which the Board’s objectives are being met is contained in Appendix A.

The gratifying student achievement and progress seen so far should not obscure the challenges that remain. The Board of Education’s school improvement efforts have been in place long enough that we can see not only results, but also the most persistent needs and problems. During the past several years, Virginians have seen continuous improvement in student academic performance and in school accreditation results. However, the test results also show that there remains a persistent and troubling achievement gap among groups of students, and many need costly, intensive instructional support to succeed in school.

Major challenges are ahead for Virginia’s public schools as teachers and other educators address the varied and complex learning needs of their students. Full accreditation is a goal not yet achieved by all of Virginia’s schools, and educators seek better and proven strategies and instructional methods to help students improve their academic performance. All teachers need solid professional development to learn new skills and sharpen their current ones, and maintaining a highly qualified teaching force is critical to the goals of our public schools.

Enrollment projections for Virginia’s schools

The period covered by the comprehensive plan will be a time of great demographic change for Virginia as a whole, and especially for Virginia’s public education system. The 2000 U.S. Census data show that Virginia was the 16th fastest growing state, with a population increase from 6.2 to 7.1 million in the 1990s. During that time period, over two-thirds of Virginia’s population growth came from minority residents.

Almost 1.2 million students were enrolled in Virginia’s public schools for the 2004-2005 school year (Fall membership count). Since 1994, total enrollment has increased by more than 123,000 students, a 12 percent growth rate during the ten-year period. According to the latest statistics provided by the Virginia Department of Education (see table below), enrollment will continue to increase during the next several years. Between 2004 and 2008, enrollment is projected to grow by about 43,000 students, or four percent, to a statewide total of 1,214,013 students.

**Statewide Fall Membership Projections
FY 2004 (Actual) - FY 2008 (Projected)**

Fiscal Year	Fall Membership
2004: Actual	1,170,797
2005: Actual	1,180,735
2006: Projected	1,192,570
2007: Projected	1,203,065
2008: Projected	1,214,013

Important demographic trends for Virginia's schools

The growth in enrollment of students in kindergarten through twelfth grade poses steep challenges for schools. Especially difficult challenges include training and retaining teachers, principals, and instructional support staff; helping children who have widely varying learning needs such as students who do not speak English or who have disabilities that affect learning; and addressing the time-consuming and complex requirements of the state and federal laws and regulations governing public school programs. This requires more funding at all levels. These and other challenges become more acute for the public schools in light of Virginia's changing demographics, which show clearly that diverse population groups (i.e., limited English proficient and economically disadvantaged) are increasingly making up a larger proportion of the overall population.

Demographic information is important because it indicates the needs of schools and students now and in the near future—a future for which Virginia's schools and students must be prepared. Important demographic trends include the following:

Growth in the enrollment of limited English proficient students:

A major trend seen in the demographic data is that Virginia's schools can expect to experience continued growth in the enrollment of the limited English proficient population. According to the Weldon Cooper Center for Public Policy at the University of Virginia, more than 30 percent of Virginia's population increase between 1990 and 2000 was due to growth in the foreign-born population, up from only 16 percent a decade earlier. Most of that growth occurred in Northern Virginia, where 70 percent of the state's foreign-born population lived in 2000.

In Virginia, the English as a Second Language (ESL) population has doubled in just the past five years, and this trend is expected to continue. Virginia's ESL students are at all stages of learning English and have varying educational backgrounds in their first languages. While the broad objectives of the English Standards of Learning (and all other content area SOLs) will ultimately be the same for all students, those learning English as a second language often need extra time, support and exposure to English. In an effort to meet the needs of these students, school divisions have instituted a variety of programs to provide instruction in English as a second language.

With more immigrants having arrived in the United States during the 1990s than any other single decade, the number of public school students in need of additional language instruction has increased dramatically in recent years. The foreign-born, many of whom do not speak English, now account for over 18 percent of the total population in the Northern Virginia metro area, historically the most diverse region in the state. Fairfax County alone contains over 237,000 foreign-born persons. In Fairfax County, Arlington, Alexandria, and Fairfax City, one person in five was born outside the U.S. In Prince William, Loudoun, Falls Church, Manassas, and Manassas City, one in 10 is foreign-born. Outside of Northern Virginia, foreign-born residents are far less numerous, but pockets of sizable concentrations dot many areas of the state. Not all growth occurred in metro areas: Harrisonburg, Galax, and Winchester developed large Hispanic populations in the last decade. In the past 10 years, Harrisonburg's foreign-born population grew by almost 3,000, Winchester's foreign-born population tripled, and Galax grew from 46 foreign-born residents to almost 600, representing almost a tenth of its total population.

Diversity of economic and educational opportunity factors:

For the 2004-2005 school year, slightly more than one-third (33.5 percent) of the students in Virginia's public schools were eligible for free and reduced-price lunch. The percent varies widely across the school divisions, from a high of more than 72 percent to a low of 5 percent. Census data show that poverty remains stubbornly concentrated in cities, inner suburbs, and rural areas. Further, according to the 2000 census, there are 700,000 adults in Virginia without high school credentials who can benefit from adult education.

Teacher preparation and teacher shortages:

The predicted teacher supply for Virginia shows that the teaching force is expected to shrink by four percent between the years 2000 and 2015; however, the student enrollment in the public schools is expected to grow by four percent during that same time period. Thus, the supply of teachers is going down, while the student population is going up. The number of minority teachers in Virginia continues to decline. Nationally, the number of minority teachers will decrease from 13 percent in 1994 to five percent in 2005. Virginia's teaching force follows this same trend.

Acute teacher shortages in Virginia are seen in the areas of special education, science, (Earth science, space science, and chemistry) and mathematics. In 2004-2005, Earth Science is the area of most severe shortage. To further compound the problem, thirteen percent of Virginia's special education teachers are not fully licensed, with some areas as high as 62 percent.

Board of Education Objectives for 2005-2010

The Board of Education's objectives are constantly evolving. The objectives are revised every two years; therefore, they must be viewed as a continuous process of assessment and evaluation, all of which lead to adjustments as needed. Perhaps most importantly, the Board of Education's objectives, as well as the strategies and activities to implement the objectives, are tied closely to the requirements state and federal statutes and regulations and on the availability and appropriation of funding for public education.

Objective 1: The Board of Education will improve the quality standards for all public schools in Virginia.

Rationale:

The Board of Education's constitutional responsibility is "to determine and prescribe" the Standards of Quality (SOQ) for Virginia's school divisions. During 2003, the Board conducted a comprehensive review of the SOQ. The prescribed amendments were presented to the 2004 session of the General Assembly, and many of the amendments were adopted and funded by the legislature. To follow that success, the 2005 session of the General Assembly adopted and funded many of the remaining recommendations that had been prescribed by the Board.

The Board of Education is continuing to revise and update the SOQ to ensure that the standards are adequate and appropriate for today's schools and students; therefore, in 2005, the Board is considering additional amendments to the SOQ. That process is on-going. In the future, the Board of Education will review and revise the Standards of Quality at periodic intervals to reaffirm the commonwealth's commitment to high education standards. The Board will work closely with the General Assembly and other partners in this regard.

The Standards of Accreditation were last revised in 2000. Those regulations included provisions that served as a transition to the current more rigorous requirements for school accountability and student achievement. Those transitional provisions are now obsolete or outdated. Furthermore, Virginia's accountability system has matured, and it is time to undertake a comprehensive review of the accrediting standards, especially in the areas of consequences for those schools that fail to meet the accountability requirements, and incentives for schools that are achieving success.

Strategies/Activities to meet Objective 1:

- Review and revise the Standards of Quality: 2005, 2007, and 2009.
- Review and revise the Standards of Accreditation

Objective 2: The Board of Education will provide leadership to help schools and school divisions close the achievement gap and increase the academic success of all students.

Rationale:

The Board of Education's priority for providing challenging academic standards is intended to be student-centered, results-oriented, and supportive of local flexibility. This priority also provides the foundation of what the members of the Board of Education want to achieve: a successful and accountable system of public education for all of Virginia's citizens. This supports the Board's firm belief that students will rise to the challenge of high standards if they are given the support they need by teachers who have the resources and training needed to get the job done.

The "achievement gap" refers to the disparity in academic performance between groups of students. The term is used to describe the troubling performance gaps between many African-American and Hispanic students, at the lower end of the performance scale, and their Caucasian, non-Hispanic peers, as well as the similar academic disparity between students from low-income

and more affluent families and localities. The disparity also shows up in the performance and graduation rates for the students with disabilities compared to their non-disabled peers. The achievement gap has become a focal point of Virginia's education improvement efforts.

In Virginia, African-American and Hispanic students have made great strides in narrowing the achievement gap that separates them from their Caucasian peers. According to the Education Trust, Virginia has one of the nation's smallest achievement gaps between Caucasian and Hispanics. In 2003, Virginia's eighth-grade Hispanic students had the highest National Assessment of Educational Progress (NAEP) writing scores for Hispanic students in any state. But while Caucasian and Asian students' performance on our assessments is distributed evenly across the spectrum, from low to high, the performance of African-American and Hispanic children falls disproportionately at the lower end of the scale, and fewer of these students are meeting the standard on achievement tests. The disparity in performance among the groups widens as the students progress through elementary to secondary schools.

The federal No Child Left Behind Act also takes aim at the achievement gap. It requires states to disaggregate student achievement data by subgroups of students so that performance gains for all children can be tracked. The law also contains a host of accountability measures that penalize schools that are unable to show achievement gains by all subgroups of students: students with disabilities; limited English proficient students; economically disadvantaged students; and major racial/ethnic groups. The hope is that these strict accountability measures will spur across-the-board gains in achievement.

Successful strategies to close the achievement gap must be emphasized in schools across the state. Teachers and administrators need to know how to use test results and other data to understand their students' skills gaps. To do this, professional training on how to link data to instructional strategies is critical in order for teachers to understand how to use data and test results to make changes in their instructional programs.

Another aspect of closing the achievement gap and raising the academic performance of all students is that college attendance and receipt of a bachelor's degree increase employment opportunities and income potential. While exact numbers are not available, approximately 50 percent of Virginia's high school graduates enroll in a four-year college right after graduation. Approximately 23 percent enroll in a two-year college program, and an additional 12 percent enroll in a proprietary school, training program, or the military. Certainly, the Board of Education's role is to help ensure that all students are well prepared academically, regardless of their post-high school plans and aspirations. In a world of turbulent changes, every kind of occupation has seen a dramatic increase in education requirements. Jobs that require educated workers are growing the fastest. Many, if not most, high-paying jobs and careers in the near future will require higher levels of education or training than in the past. This has a direct impact on industry certification programs and opportunities in our public schools.

Strategies/Activities to meet Objective 2:

- Review and revise the Standards of Learning:
 - Computer/Technology: 2005
 - Fine Arts: 2006
 - Foreign Language: 2007
 - Health, Physical Education, and Driver Education: 2008
 - History and Social Sciences: 2008
 - Mathematics: 2009
 - English: 2009
 - Science: 2010
- Support professional development and technical assistance for instructional staff, especially in low-performing schools.
- Support a focus on civics and financial literacy to ensure the preparation of all students to be productive citizens.
- Review and revise the *Virginia Plan for the Gifted*.
- Support programs and initiatives to expand opportunities for students to earn a high school diploma.
- Establish policies regarding the new numeracy and literacy assessments for students with disabilities pursuing the modified standard diploma.
- Establish policies regarding the revised Virginia Alternate Assessment Program.
- Establish modified achievement standards for students with disabilities who can make significant progress but may not reach grade-level achievement standards within the same time frame as other students.

Objective 3: The Board of Education will work to ensure meaningful, on-going professional development for teachers and administrators.

Rationale:

Effective professional development is seen as increasingly vital to school success and teacher satisfaction. With schools today facing an array of complex challenges—from working with an increasingly diverse population of students, to integrating new technology in the classroom, to meeting the requirements of NCLB—education leaders have stressed the need for teachers to be able to build on their instructional knowledge

Clearly, teachers and administrators in struggling schools need additional assistance to turn their schools around. Some assistance is provided already through initiatives of the Governor, General Assembly, and the Department of Education. NCLB provides additional funding for professional development for classroom teachers. Yet improving learning opportunities for all children will require more than individual talents or school-by-school efforts. It will demand systemwide approaches that touch every child in every school in every school division across the state.

For high-caliber professional development programs to take root, actions of the Board of Education must place emphasis on the importance of strong leadership on the part of the school principal and educational support personnel. The Board must stress the need for innovative and coordinated management of funding and teachers' time and advocate for greater financial and administrative support, both at the state and local levels.

Strategies/Activities to meet Objective 3:

- Support professional development and technical assistance for instructional staff, working with professional education associations and teacher educators.
- Promote the identification of industry certifications opportunities for all teachers who lack such credentials.
- Support, in conjunction with local divisions, professional development strategies that the local schools will use to help ensure the development of highly qualified teachers and paraprofessionals

Objective 4: The Board of Education will support accountability for all schools, with a focus on assisting chronically low-performing schools and school divisions.

Rationale:

A priority of the Board of Education will be to support highly effective school accountability and improvement at the local school and at the division level as well. In 2002, a national study group on low-performing schools, formed by the National Association of State Boards of Education (NASBE), arrived at four powerful points of consensus—points with which the Virginia Board of Education concurs as it focuses its attention on Virginia's chronically low-performing schools and school divisions. The Board of Education concurs that:

1. No school fails because its students cannot succeed. Given appropriate support and an environment that is infused with expectations of academic excellence, students at risk of failure can and do succeed everyday.
2. Achievement gaps among groups of students are not acceptable. States can no longer ask if all schools can achieve high standards; the only appropriate question, especially in light of the requirements of the No Child Left Behind legislation, is how to close the existing gaps quickly and effectively.
3. It is also not acceptable that children with great needs—those in poverty, of color, or with disabilities—are often attending the lowest-performing schools and do not have access to the academic resources that foster achievement.
4. The central goal of all education policies and programs needs to be school improvement for greater student achievement.

The Virginia Board of Education has resolved to focus much of its efforts on turning around low-performing schools and on implementing policies and programs that foster high-performing schools. To that end, the Board will focus its attention on five critical elements common to high-performing schools, defined as follows by the NASBE study group:

Element 1. Improving Low-Performing Schools Requires Effective School

Leadership: Effective schools research of the last twenty years, combined with research that examines the critical components necessary to turn around low-performing schools, makes clear the importance of good leadership. Numerous studies arrive at similar conclusions about the importance of school leadership in fostering a school culture and implementing school programs geared toward high student achievement.

Element 2. Schools and Students Need High-Quality Teachers: Low-performing schools cannot be turned around without high-quality teachers. Studies that look at the impact of teachers on student learning have found that measures of teacher expertise accounted for more variation in student reading and mathematics achievement in kindergarten through grade 12 than students' socioeconomic status. Other studies have found that students who are assigned to ineffective teachers for several years in a row have significantly lower achievement and lower gains than students assigned to highly effective teachers.

Element 3. Improving Low-Performing Schools Requires Teachers who Participate in High-Quality, Targeted Professional Development: Professional development matters: teachers with more professional growth opportunities are more effective than teachers with fewer opportunities. Particularly in low-performing schools, high-quality professional development is "the linchpin of teacher quality."

Element 4. Successful Schools Have a Good Curriculum and Instructional

Supports: Teachers need high-quality curriculum and instruction in order to impact student achievement. A study in North Carolina found, for example, that regardless of students' prior academic experiences, given a rigorous curriculum with challenging tasks and appropriate assessments in small settings, students learn. Another study points out the pernicious nature of under-performance: of non-proficient eighth graders, 85 percent will stay that way through high school. The 15 percent of under-performing students who do manage to break the mold have done so by being exposed to an intensive academic high school curriculum.

Element 5. Improving Low-Performing Schools Requires Staff to Make Frequent and Appropriate Use of Data to Inform Continuous Improvement:

School improvement efforts can plateau early unless strategies for school improvement are based on data that illuminate root causes of low performance and help schools prioritize their needs. Schools that serve high proportions of at-risk students and that truly excel at improving teaching and learning do it by gathering and analyzing data often and basing decisions about school, classroom, and student interventions on diagnostic information.

The Board of Education uses all of the elements listed above to refine and improve its policies and programs to build capacity for improvement among all schools, especially low-performing schools. Moreover, the Board has new authority that modifies the current school compliance process within the SOQ to authorize the Board of Education to require an academic review of any school division that, through the school academic review process, fails to implement the SOQ. The new provisions also require the reviewed school division to submit for approval by the Board a corrective action plan setting forth specific actions and a schedule designed to ensure

that schools within its school division achieve full accreditation status. The Board adopted criteria and procedures for conducting division-level academic reviews and improved the procedures used in conducting school-level reviews.

One key element to school improvement is the fast, reliable collection of data for use by teachers and other professionals. To make sound, data-driven educational decisions on behalf of their students, schools and school divisions need access to student records and other educational data that provide a written picture of a student's academic performance.

Clearly, the academic review and the division-level review procedures that the Board of Education has put in place will help ensure that programs are maximally effective and resources are targeted to areas of greatest need. The Board will work to improve the review procedures and develop effective ways to help schools and divisions.

Strategies/Activities to meet Objective 4:

- Receive periodic reports of findings of academic review teams, review and adopt policies to address recommendations in team reports, and continue to refine the academic review and division level review procedures.
- Adopt strategies for closing the achievement gap between high- and low-performing groups of students.
- Support efforts to establish a state-level education information management system (EIMS) that will enable the department to meet increasing state and federal reporting requirements and enable stakeholders at all levels of education to make informed educational decisions based on accurate and timely information.
- Promote technical assistance on research-based instructional interventions that help improve the academic achievement in schools that are low-performing and those that are identified as in need of improvement under the NCLB Act.
- Continue to review and approve instructional methods and/or models for implementation in low-performing schools.
- Address measures to be taken in schools whose accreditation is denied.
- Support programs that assist schools and students meet performance expectations.

Objective 5: The Board of Education will work cooperatively with partners to help ensure that young children are ready for school.

Rationale:

Research shows that from the time of birth to the first day of kindergarten, development proceeds at a pace exceeding that of any subsequent stage of life. Efforts to understand this process have revealed the many remarkable accomplishments of the pre-school years, as well as the serious problems that confront some young children and their families. Striking disparities in what children know and can do are evident well before they enter kindergarten.

These differences are strongly associated with social and economic circumstances, and they are predictive of subsequent academic performance. Addressing and remediating these disparities are critical tasks, both for the children whose life opportunities are at stake and for the state whose goals demand that children be prepared to begin school, achieve academic success, and ultimately achieve economic independence and engage constructively with others as adult citizens.

Leadership for and oversight of programs for pre-school-age children are predominately out of the purview and authority of the Board of Education. Nonetheless, the Board recognizes that getting pre-school age children ready to enter school is critically important to later success in school. The strong link between a child's early learning environment and later school success is clear; therefore the Board of Education will seek new and effective ways to work cooperatively with other agencies and organizations concerned with the development of children of pre-school age.

Strategies/Activities to meet Objective 5:

- Establish academic standards to support preparation for pre-school students to be ready to successfully enter into kindergarten.
- Continue to cooperate with other entities involved in developing and implementing *Virginia's Foundation Blocks for Early Learning: Standards for Literacy and Mathematics*.
- Support the Virginia Preschool Initiative.
- Support the Title I Preschool programs.
- Support the Early Childhood Special Education Program.
- Support the Even Start Family Literacy Program.
- Seek ways to cooperate with and encourage the Head Start programs.

Objective 6: The Board of Education will assist teachers to improve the reading skills of all students, kindergarten through grade 12.

Rationale:

Reading is essential to success in our society. The ability to read is highly valued and important for social and economic advancement. Most children learn to read well; however, failure to learn to read adequately for continued school success is much more likely among poor children, children of color, and nonnative speakers of English. Despite the many ways in which Virginia's schools have progressed and improved over the past few years, there is little reason for complacency.

The Board is keenly aware that developing reading skills in the early grades is not the total answer to academic success. The Board will focus attention not only on the basic reading skills taught in the early elementary grades, but on the reading ability of the middle and secondary years as well. Inevitably, this will require some students to learn new skills—and some teachers to learn new strategies for teaching their students the important skills of how to read purposefully, select materials that are of interest, learn from those materials, figure out the meanings of unfamiliar words, integrate new information with information previously known, resolve conflicting content in different texts, differentiate fact from opinion, and recognize the perspective of the writer. These are all skills critical to reading comprehension.

Strategies/Activities for meeting Objective 6:

- Ensure the communications and literacy skills of teachers by implementing the requirement for the reading assessment for initial licensure for teachers in the early grades.
- Provide leadership for preschool to adult literacy initiatives, including programs that address the needs of speakers of languages other than English.
- Support teacher preparation programs and pre-service programs for teachers to improve their skills in teaching reading

Objective 7: The Board of Education will continue efforts to enhance the training, recruitment, and retention of highly qualified teachers, educational support personnel, and administrators, with a focus on the needs of “hard to staff” schools.

Rationale:

In Virginia and across the country, growing number of school divisions, foundations and national organizations are zeroing in on this key question: What can be done to help improve school leadership at all levels? A recent publication by the National Association of State Boards of Education summed up the need for leadership: “Effective schools research of the last twenty years, combined with research that examines the critical components necessary to turn around low-performing schools, makes clear the importance of good leadership.” The Board of Education can play an important role to coordinate and explore effective strategies for ensuring quality and results, chiefly through efforts in principal training and professional development.

Certainly, the school counselor can be a key support for on-going progress of the school and every effort must be taken to ensure that school counselors—like principals and other school leaders—have the resources to do their job effectively. Counselors take the frontline of responsibility in helping guide students into challenging coursework to ensure that they are prepared for the world beyond high school: college, technical training, military enlistment, or employment. The explosion of readily available information on careers, financial aid, and college courses of study has placed additional demands on school counselors.

However, the reality of day-to-day pressures at the school means that some school counselors spend a significant amount of time on non-counseling activities, such as testing, covering classes, and registrar activities. In 2004, the Board of Education adopted *Standards for School Counseling Programs in Virginia Public Schools*, which can provide a valuable guide to local school leaders when reviewing the duties of the guidance and counseling staff, especially when duties other than counseling responsibilities can impair their ability to serve students. Finding effective ways to help improve counselor effectiveness would benefit the entire school community.

The No Child Left Behind Act (NCLB) places major emphasis upon teacher quality as a factor in improving student achievement. The new requirement that there be a highly qualified teacher in every core academic classroom by 2005-2006 is an important backdrop for the Board of Education’s priorities.

Helping the "hard-to-staff" schools is a critically important focus for the Board of Education. "Hard to staff" schools are defined as those that have great difficulty in finding and retaining qualified and effective teachers. These schools are high-poverty inner-city schools or rural schools that, as a consequence of their location in economically depressed or isolated districts, offer comparatively low salaries and lack the amenities with which other divisions attract and retain teachers. This makes it difficult not only for the schools to maintain stability, but also to develop a strong learning environment. In 2004, Virginia had 230 schools defined as "hard-to-staff" and these schools present unique challenges to the state as a whole.

Shortages in teachers, support staff, such as counselors, and administrators are particularly acute for hard-to-staff schools, many of which are located in rural or high poverty areas. Providing the best-qualified teachers and staff to the neediest students is a constant struggle for these schools, particularly those in rural areas and in then inner cities.

The Board of Education supports providing additional state funding for teacher salaries as an essential part of recruiting and retaining teachers of the highest quality. Virginia is in the process of implementing its plan to ensure that all teachers of core academic subjects meet the federal definition of highly qualified by the end of the 2005-2006 school year, and to get the highest quality teachers, salaries for teachers must be competitive with other comparable professions. Based on the 2002-2003 data (the last year data are available) Virginia ranked 21st in the nation in average teacher salaries, with Virginia's average classroom salary falling \$3,152 (6.9 percent) below the national average.

Getting teachers with content preparation in every classroom, continuing to improve the licensure of teachers and providing beginning teachers with mentors are essential to attract and retain high quality professionals in the state's teaching force.

Strategies/Activities to meet Objective 7:

- Support initiatives to increase the number of high quality teachers, especially for hard-to-staff schools, such as the mentoring programs in hard-to-staff schools, the Virginia Middle School Teacher Corps, and other incentive programs for qualified teachers.
- Support executive education opportunities, such as the Turnaround Specialist Program to assist established school administrators in providing skilled leadership in chronically low-performing schools.
- Support the implementation of recommendations for the preparation of school leaders outlined by the Commission to Review, Study and Reform Educational Leadership.
- Support the national board certification program.
- Support full compliance with NCLB and IDEA requirements for highly qualified paraprofessionals, general, and special education teachers and for professional development of teachers.

- Promote increasing the pool of teachers entering the profession through the career switcher program to teach in general and critical shortage areas.
- Support strategies for recruitment and retention of highly qualified teachers through the Teacher Quality Enhancement grant.
- Adopt revisions to regulations governing preparation and licensure requirements for school personnel.
- Support ways to attract and retain career and technical education teachers whose training and expertise meet the demands of students and employers in the commonwealth.

Objective 8: The Board of Education will provide leadership for implementing the provisions of state and federal laws and regulations smoothly and with minimal disruption to local divisions.

No Child Left Behind Act of 2001:

The No Child Left Behind Act (NCLB) has expanded the federal role in education and has become a focal point of education policy. Coming at a time of wide public concern about the state of education, the legislation sets in place requirements that reach into virtually every public school in America. At the core of NCLB are a number of measures designed to drive broad gains in student achievement and to hold states and schools more accountable for student progress.

The Board of Education has expressed overall support for the law's stringent accountability mandates as important levers improving performance for all children. The Board has worked diligently in its efforts to ensure that the state complies with all requirements of NCLB. Nonetheless, given its scope and detail, the No Child Left Behind Act has been the source of considerable controversy and debate in the education community. The Board of Education has been a part of the on-going debate and has applied for and subsequently pushed USED to approve certain waivers and amendments to its accountability workbook. Further requests are pending.

Reauthorized Carl D. Perkins Act:

Congress recently reauthorized one of the primary pieces of federal legislation governing career and technical, the Carl D. Perkins Vocational and Technical Education Act, which is the main source of federal grants for states' vocational and technical programs at both the secondary and post-secondary levels. Schools receiving Perkins funding are required to establish and meet local adjusted levels of performance; show continuous improvement in academic and technical achievement; conduct a performance evaluation every two years of the six-year plan; and establish separate secondary and postsecondary performance measures. The legislation also emphasizes academic content by aligning student academic achievement standards in Perkins with NCLB requirements.

Career and technical programs are academically focused, and Virginia has impressive programs for high school students, especially those intent on earning industry certifications, which provide students with a major boost toward advanced technical training or earning a degree at a community college or four-year college. These programs are responding to the real needs of local businesses—in health care, information technology, the construction trades, and other occupations.

The Board of Education, which serves as the State Board for Career and Technical Education, has a key part to help ensure that career and technical educators are able to keep pace with industry needs and technological innovations, and gain critical skills in instructional practice.

The Career and Technical Education Program (CTE) has a comprehensive state plan that is approved by the US Department of Education (USED). The current CTE plan was approved in 2000 for a four-year period from July 1, 2000, to June 30, 2004. USED extended the approval, with revisions, in 2004. Pending additional information from USED, the CTE Plan will be revised and updated in 2005-2006.

Another important federal law related to career and technical education programs is the Workforce Investment Act (WIA). While not directly under the responsibility of the Board of Education, the WIA provides workforce training programs and may serve youth aged 14 to 21. WIA impacts certain provisions of the Perkins Act and adult education and literacy programs, which are, of course, of direct interest to the Board of Education. The state and local plans developed by the respective councils set up for that purpose guide the implementation of the WIA provisions.

Reauthorized *Individuals with Disabilities Education Improvement Act of 2004* (IDEA):

In December 2004, the IDEA was amended as the Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446). In general terms, the IDEA asserts that children with disabilities will receive a free educational program that is appropriate to their needs and the program will be administered in an environment that is most helpful to the child's education.

The requirements of the federal legislation place significant responsibilities for monitoring and overall state planning on the Board of Education. Among other new requirements, the Board of Education must (1) ensure that teachers are adequately prepared and trained and have the content knowledge and skills to serve children with disabilities; (2) require that students with disabilities who take alternate assessments be included in the state's NCLB accountability system; (3) report, with the same frequency they report on assessments of non-disabled students, the number of children with disabilities participating in both regular and alternate assessments and the results of these assessments; (4) require extensive data collection, including requiring the disaggregating of suspension and expulsion data by race, along with the requirement that graduation rates of students with disabilities be cataloged along with dropout rates for students with disabilities student achievement; and (5) establish regulations consistent with the federal regulations.

Consolidation of the Virginia Schools for the Deaf and Blind:

The Board of Education must act on state legislation to consolidate into a single campus the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-disabled at Hampton. As a result of declining enrollment, increased maintenance costs, and other issues impacting the efficiency of each school, the consolidation of the two state schools for the deaf and the blind has been studied repeatedly since 1979. In 2003, a consolidation task force, convened at the direction of the General Assembly, recommended that a new school be built at a location to be determined by the Board of Education. As a result of

the task force's recommendations, a subsequent feasibility study, directed by the General Assembly, was conducted in 2004. The feasibility study proposed the parameters for construction of a new school at a new site.

Subsequently, the 2005 General Assembly adopted language through the budget bill (Chapter 951, 2005 Acts of the Assembly) directing that the two schools be consolidated into one school, and the Board of Education issued a Request for Proposals for that purpose. The Board of Education, assisted by the Department of General Services, is considering among other options, Public-Private Education Act (PPEA) proposals to plan and design the consolidation of the two schools into a single campus. The appropriation act language requires the Board to make the first decision regarding the method for proceeding with consolidation no later than July 31, 2005. The Department of Education must provide a report on this project to the Governor and the General Assembly no later than October 1, 2005.

Strategies/Activities for meeting Objective 8:

- Continue to monitor progress of schools, divisions, and the state in meeting Adequate Yearly Progress (AYP) requirements.
- Receive annual report cards on progress of students in meeting state standards, graduation rates, elementary school attendance rates, names of schools needing improvement, professional qualifications of teachers, percentages of students not tested, and other information as required by NCLB.
- Support the administration of new SOL tests annually in English (reading/language arts) and in mathematics for grades 3 through 8.
- Support Virginia's participation in NAEP program in reading and math for 4th and 8th grades.
- Support school divisions in conducting annual assessment in English language proficiency for all limited English proficient (LEP) students.
- Support programs of technical assistance for schools identified as in the first and second year of school improvement.
- Support procedures to disseminate via the Web site notices to parents and the public of any pending corrective actions, as required by NCLB.
- Support efforts to enlarge the pool of Supplemental Educational Services providers to provide remediation for low-performing students in Title I schools.
- Continue to assist school divisions in implementing charter schools and other public school choice options.
- Review and update the state plan for the Carl D. Perkins Act.
- Receive reports on the Workforce Investment Act programs, as necessary.
- Include industry certification requirements in the teacher licensure regulations.
- Revise *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* to comply with new federal requirements under the Individuals with Disabilities Education Act as amended in 2004.
- Carry out provisions of the 2005 appropriation act regarding the consolidation of the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind, and Multi-disabled at Hampton.

Timelines: Strategies/Activities for Meeting Objectives 2005-2010

Objective 1: The Board of Education will improve the quality standards for all public schools in Virginia.

Action	05	06	07	08	09	10
Review and revise the Standards of Quality	X		X		X	
Review and revise the Standards of Accreditation	X	X				

Objective 2: The Board of Education will provide leadership to help schools and school divisions close the achievement gap and increase the academic success of all students.

Action	05	06	07	08	09	10
Review and revise the Standards of Learning:						
Computer/Technology	X					
Fine Arts		X				
Foreign Language			X			
Health, Physical Education, and Driver Education				X		
History and Social Sciences				X		
Mathematics					X	
English					X	
Science						X
Support professional development and technical assistance for instructional staff, especially in low-performing schools.	X	X	X	X	X	X
Support a focus on civics and financial literacy to ensure the preparation of all students to be productive citizens.	X	X	X	X	X	X
Review and revise the <i>Virginia Plan for the Gifted</i> .	X	X				
Support programs and initiatives to expand opportunities that students have to earn a high school diploma.	X	X	X	X	X	X
Establish policies regarding the new numeracy and literacy assessments for students with disabilities pursuing the modified standard diploma.	X	X	X	X	X	X
Establish policies regarding the revised Virginia Alternate Assessment Program.	X	X	X	X	X	X
Establish modified achievement standards for students with disabilities who can make significant progress but may not reach grade-level achievement standards within the same time frame as other students.	X	X	X	X	X	X

Objective 3: The Board of Education will work to ensure meaningful, on-going professional development for teachers and administrators.

Action	05	06	07	08	09	10
Support professional development and technical assistance for instructional staff, working with professional education associations and teacher educators.	X	X	X	X	X	X
Promote the identification of industry certifications opportunities for all teachers who lack such credentials.	X	X	X	X	X	X
Support, in conjunction with local divisions, professional development strategies that the local schools will use to help ensure the development of highly qualified teachers and paraprofessionals.	X	X	X	X	X	X

Objective 4: The Board of Education will support accountability for all schools, with a focus on assisting chronically low-performing schools and school divisions.

Action	05	06	07	08	09	10
Receive periodic reports of findings of academic review teams, review and adopt policies to address recommendations in team reports, and continue to refine the academic review and division level review procedures.	X	X	X	X	X	X
Adopt strategies for closing the achievement gap between high- and low-performing groups of students.	X	X	X	X	X	X
Support efforts to establish a state-level education information management system (EIMS) that will enable the department to meet increasing state and federal reporting requirements and enable stakeholders at all levels of education to make informed educational decisions based on accurate and timely information.	X	X	X	X	X	X
Promote technical assistance on research-based instructional interventions that help improve the academic achievement in schools that are low-performing and those that are identified as in need of improvement under the NCLB Act.	X	X	X	X	X	X
Continue to review and approve instructional methods and/or models for implementation in low-performing schools.	X	X	X	X	X	X
Address measures to be taken in schools whose accreditation is denied.	X	X	X	X	X	X
Support programs that assist schools and students meet performance expectations.	X	X	X	X	X	X

Objective 5: The Board of Education will work cooperatively with partners to help ensure that young children are ready for school.

Action	05	06	07	08	09	10
Establish academic standards to support preparation for pre-school students to be ready to successfully enter into kindergarten.	X	X	X	X	X	X
Continue to cooperate with other entities involved in developing and implementing <i>Virginia's Foundation Blocks for Early Learning: Standards for Literacy and Mathematics</i> .	X	X	X	X	X	X
Support the Virginia Preschool Initiative.	X	X	X	X	X	X
Support the Title I Preschool programs.	X	X	X	X	X	X
Support the Early Childhood Special Education Program.	X	X	X	X	X	X
Support the Even Start Family Literacy Program.	X	X	X	X	X	X
Seek ways to cooperate with and encourage the Head Start programs.	X	X	X	X	X	X

Objective 6: The Board of Education will assist teachers to improve the reading skills of all students, kindergarten through grade 12.

Action	05	06	07	08	09	10
Ensure the communications and literacy skills of teachers by implementing the requirement for the reading assessment for initial licensure for teachers in the early grades.	X	X	X	X	X	X
Provide leadership for preschool to adult literacy initiatives, including programs that address the needs of speakers of languages other than English.	X	X	X	X	X	X
Support teacher preparation programs and pre-service programs for teachers to improve their skills in teaching reading.	X	X	X	X	X	X

Objective 7: The Board of Education will continue efforts to enhance the training, recruitment, and retention of highly qualified teachers, educational support personnel, and administrators, with a focus on the needs of "hard to staff" schools.

Action	05	06	07	08	09	10
Support initiatives to increase the number of high quality teachers, especially for hard-to-staff schools, such as the mentoring programs in hard-to-staff schools, the Virginia Middle School Teacher Corps, and other incentive programs for qualified teachers.	X	X	X	X	X	X
Support executive education opportunities, such as the Turnaround Specialist Program to assist established school administrators in providing skilled leadership in chronically low-performing schools.	X	X	X	X	X	X

Objective 7 (continued)

Support the implementation of recommendations for the preparation of school leaders outlined by the Commission to Review, Study and Reform Educational Leadership.	X	X	X	X	X	X
Support the national board certification program.	X	X	X	X	X	X
Support full compliance with NCLB and IDEA requirements for highly qualified paraprofessionals, general, and special education teachers and for professional development of teachers.	X	X	X	X	X	X
Promote increasing the pool of teachers entering the profession by supporting through the career switcher program to teach in general and critical shortage areas.	X	X	X	X	X	X
Support strategies for recruitment and retention of highly qualified teachers through the Teacher Quality Enhancement grant.	X	X	X	X	X	X
Adopt revisions to regulations governing preparation and licensure requirements for school personnel.	X					
Support ways to attract and retain career and technical education teachers whose training and expertise meet the demands of students and employers in the commonwealth.	X	X	X	X	X	X

Objective 8: The Board of Education will provide leadership for implementing the provisions of state and federal laws and regulations smoothly and with minimal disruption to local divisions.

Action	05	06	07	08	09	10
Continue to monitor progress of schools, divisions, and the state in meeting Adequate Yearly Progress (AYP) requirements.	X	X	X	X	X	X
Receive annual report cards on progress of students in meeting state standards, graduation rates, elementary school attendance rates, names of schools needing improvement, professional qualifications of teachers, percentages of students not tested, and other information as required by NCLB.	X	X	X	X	X	X
Support the administration of new SOL tests annually in English (reading/language arts) and in mathematics for grades 3 through 8.	X	X	X	X	X	X
Support Virginia's participation in NAEP program in reading and math for 4 th and 8 th grades.	X	X	X	X	X	X
Support school divisions in conducting annual assessment in English language proficiency for all limited English proficient (LEP) students.	X	X	X	X	X	X
Support programs of technical assistance for schools identified as in the first and second year of school improvement.	X	X	X	X	X	X
Support procedures and disseminate via Web site notice to parents and the public of any pending corrective actions.	X	X	X	X	X	X

Objective 8 (continued)

Support efforts to enlarge the pool of Supplemental Educational Services providers to provide remediation for low-performing students in Title I schools.	X	X	X	X	X	X
Continue to assist school divisions in implementing charter schools and other public school choice options.	X	X	X	X	X	X
Review and update the state plan for the Carl D. Perkins Act.	X					
Receive reports on the Workforce Investment Act, as necessary.	X	X	X	X	X	X
Include industry certification requirements in the teacher licensure regulations.	X					
Revise <i>Regulations Governing Special Education Programs for Children with Disabilities in Virginia</i> to comply with new federal requirements under the Individuals with Disabilities Education Act as amended in 2004.	X	X				
Carry out provisions of the 2005 appropriation act regarding the consolidation of the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind, and Multi-disabled at Hampton.	X					

Appendix A:

Actions and Accomplishments to Meet Board of Education Objectives: 2003-2005

As required by the Code of Virginia, the following information provides a brief overview of the progress made in the past two years in meeting the Board of Education's objectives.

Objective 1: The Board of Education will strengthen Virginia's public schools by providing challenging academic standards for all students.

In 2003, the Board of Education adopted a series of changes to the Standards of Quality (SOQ) intended to improve educational standards in the Commonwealth. These changes were proposed by the Board as a result of its biennial review of the SOQ, as mandated by the *Code of Virginia*. The 2004 General Assembly enacted and funded four of the eight changes recommended by the Board. Additional policy changes recommended by the Board of Education were enacted and funded by the 2005 General Assembly.

Highlights of recent Board of Education actions include:

- Revised the Computer Technology Standards of Learning for Grades K through 12.
- Approved the list of K-5 Reading textbooks and Science textbooks and instructional materials recommended for state adoption.
- Approved the list of textbooks for 6-12 English and Literature, K-12 Mathematics, and Foreign Language.
- Supported initiatives to accelerate college-level opportunities for students through the Early College Scholars Program, which enables students in their junior or senior year to complete their high school diploma and concurrently earn a semester's worth of credits that can be used towards a college degree.
- Worked to expand Career and Technical Education opportunities for students through the Path to Industry Certification program, which provides high school seniors an opportunity to earn their high school diploma and complete technical preparation and industry certification by enrolling in tuition-free training at a Virginia community college immediately following graduation.
- Adopted the *Educational Technology Plan for Virginia 2003-09*.
- Supported the Department of Education's efforts to establish a state-level education information management system (EIMS) that will enable the Virginia Department of Education (VDOE) to meet increasing state and federal reporting requirements and enable stakeholders at all levels of education to make informed educational decisions based on accurate and timely information.

Objective 2: The Board of Education will enhance the academic program and the quality standards for public education in Virginia.

The Board of Education's constitutional responsibility is "to determine and prescribe" the Standards of Quality (SOQ) for Virginia's school divisions. During 2003, the Board conducted a comprehensive review of the Standards of Quality. The prescribed amendments were

presented to the 2004 session of the General Assembly, and many of the amendments were adopted and funded by the legislature. To follow that success, the 2005 session of the General Assembly adopted and funded the remaining recommendations that had been prescribed by the Board of Education.

Schools are employing a variety of tactics to address individual student's learning needs. Tactics include reducing class sizes, expanding early childhood programs, improving the quality of teachers providing poor and minority students, and encouraging more minority students to take high-level courses.

Highlights of recent Board of Education actions include:

- Presented amended Standards of Quality at the 2004 and 2005 sessions of the General Assembly. Most of the amendments prescribed by the Board were adopted and funded by the legislature, including provisions for five elementary resource teachers per 1,000 students; one support technology position and one instructional technology position per 1,000 students, and a daily planning period for teachers at the middle and high school levels.
- Adopted criteria and procedures for conducting division-level academic reviews and improved the procedures used in conducting school-level reviews.
- Completed the revision or repeal process or in the process of revising a total of thirty (30) Board of Education regulations.
- Established a Board of Education committee to study and recommend actions to improve programs for English as a Second Language (ESL) students.
- Revised the criteria and established a standing committee of the Board of Education to review charter school applications, consistent with existing state law.
- Initiated setting the criteria and a process for approval of private educational management companies to provide services to Virginia schools.
- Approved the Stanford English Language Proficiency test and certain locally developed and/or selected instruments to measure the English language proficiency of Limited English Proficient students for 2003-2005.
- Approved the criteria and process for adopting instructional methods or models/programs that have been proven to be effective in assisting schools accredited with warning in English or mathematics.
- Received the recommendations from the joint committee to study feasibility of developing a curriculum for nutrition and exercise for K-12 students.

Objective 3: The Board of Education will continue efforts to enhance the training, recruitment, and retention of highly qualified teachers and administrators.

The Board of Education encouraged efforts to attract, train, and retain skilled and diverse teachers by reviewing and improving the traditional approved program route, the Career Switcher route, and through alternative routes into the teaching profession. A key program is the Teacher Quality Enhancement project, a multifaceted program described earlier in this document. The program, funded through a federal grant, will enable Virginia, despite current economic challenges, to enhance the teaching profession. These funds provide incentives for good teachers to stay in the profession, and to help recruit good, new teachers who will stay and teach in their own communities. The grant is a good start, but the Board of Education is

challenged to implement additional creative public-private partnership opportunities to retain quality teachers, particularly in underserved rural and urban schools.

Highlights of recent Board of Education actions include:

- Adopted criteria for the alternate route program for highly qualified teachers.
- Adopted criteria for highly qualified special education teachers.
- Established the Special Committee of the Board of Education to Study and Make Recommendations Relative to Teacher Licensure Assessments.
- Adopted a recommendation of the Advisory Board for Teacher Education and Licensure to set a cut-score of 165 for the *School Leaders Licensure Assessment (SLLA)* to be effective July 1, 2005, for principals and assistant principals.
- Supported the development of a regional cooperative for teacher licensing and the formation of a consortium of surrounding states to create the Meritorious New Teacher Candidate designation for graduates of approved teacher education programs to provide a symbol of excellence to be noted on the initial license of exceptionally well-prepared and high-performing new teachers.
- Established Proficiency Levels for the American Council on Teaching Foreign Languages (ACTFL) Oral Proficiency Interview and Writing Proficiency Test.
- Supported efforts to attract, train, and retain skilled and diverse teachers through the Teacher Quality Enhancement project. Highlights of this comprehensive program include:
 - ✓ Sponsoring the Great Virginia Teach-In in 2004 and again in 2005;
 - ✓ Supporting the Praxis I Tutorial Assistance Program for prospective teachers who have not achieved passing scores on Praxis I;
 - ✓ Supporting the Teacher Mentoring Pilot Program to encourage school divisions to adopt proven, research-based teacher mentoring and/or induction programs in accordance with their instructional needs and circumstances; and
 - ✓ Supporting Teachers of Promise, which provides prospective teachers with an exemplary professional development experience and mentors during their first year in the classroom.

Objective 4: The Board of Education will support accountability and continuous improvement in all schools.

During the past two years, what to do about chronically low-performing schools has become an important topic for the Board of Education, strongly influencing Virginia's school improvement efforts and accountability program. Clearly, the state cannot do all of the work when it comes to school improvement. Ultimately, it is at the school level where the ability and the will to improve need to take root. Even more fundamentally, it is at the school division level where the assistance and resources to get the job done must come. Where central leadership and resources are blocked or inconsistently provided, trouble ensues that can permeate many if not all of the schools in the entire division.

The Board of Education played a critical role in establishing a policy environment that facilitates, rather than hinders, the development of local will and ability. The Board placed its focus on creating the conditions under which schools can thrive. In those cases where schools still did not achieve what is expected of them, the Board of Education sought and received the

authority and the responsibility to intervene. Even as the Board of Education worked to formulate helpful policies, the federal No Child Left Behind Act added a significant new dimension to the treatment of low-performing schools. Within its accountability framework, the law incorporates a number of sanctions that schools and school divisions and the state as a whole must administer to struggling schools that receive funding under the federal Title I program students.

Highlights of recent Board of Education actions include:

- Sought and received new authority that modifies the current school compliance process within the Standards of Quality to authorize the Board of Education to require an academic review of any school division that, through the school academic review process, fails to implement the SOQ. The new provisions also require the reviewed school division to submit for approval by the Board a corrective action plan setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Four local divisions have signed memoranda of understanding and are undergoing the division-level review.
- Established the Committee on Lowest-Performing School Divisions to study the needs and recommend ways to assist the lowest performing school systems in the state.
- Established or revised cut scores for the following tests:
 - ✓ History Standards of Learning tests based on the 2001 standards revision
 - ✓ Workkeys: Reading for Information, Workkeys: Applied Mathematics, and ACT: EXPLORE as substitute tests for the literacy and numeracy requirements of the Modified Standard Diploma
 - ✓ “Plain English” Standards of Learning Mathematics tests for grades 3, 5, and 8
 - ✓ Reading subtest of the Stanford English Language Proficiency Test when used as a substitute for the Standards of Learning grade 3 English test and the grade 5 and 8 Standards of Learning reading tests for students at the lowest level of language proficiency (levels 1 and 2) or in the first year of enrollment in a school in the United States.

Objective 5: The Board of Education will assist teachers to improve the reading skills of all students, especially those at the early grades.

A number of policies and initiatives are in place at the state and local levels aimed at improving literacy and reading achievement statewide. State-level reading policy is embodied in the Standards of Quality, the Standards of Accreditation, and the Standards of Learning. A variety of other initiatives aimed at improving reading skills, especially in the early grades, address funding, instructional materials, instructional technology, professional development, and technical assistance.

In April 2003, the Board of Education adopted a recommendation of the Advisory Board on Teacher Education and Licensure to require a reading instructional assessment for elementary preK-3 and preK-6 teachers and special education teachers, and reading specialists no later than

July 1, 2004. This test is now being administered to new licensure candidates. In June 2004, the Board of Education modified its policy to exempt from the required assessment teachers of early childhood special education, teachers of students with severe disabilities, and speech language pathologists. This assessment program is now up and running. The task now is for the Board to set the appropriate cut-scores for the assessments.

Virginia's pre-school initiative for at-risk children is an incentive-based program that has now been expanded to 100 percent of the eligible children. Previously, funding was available for only a portion of the eligible students. High-quality pre-school programs can accelerate intellectual and social development, especially among children who live in high-poverty communities. An example of the cooperative efforts in Virginia are seen with the 2004 update of *Virginia's Foundation Blocks for Early Learning: Standards for Literacy and Mathematics*, which describe specific indicators for pre-kindergarten children in the content areas of reading and mathematics. Oral expression, vocabulary, phonological awareness, letter knowledge, and early word recognition, print and book awareness, and written expression are emphasized in literacy, and number and number sense, computation, measurement, geometry, data collection and statistics, and patterns and relationship in mathematics. These standards provide early childhood educators with a set of indicators of success for entering kindergarten.

Highlights of recent Board of Education actions include:

- Established a reading assessment for elementary preK-3 and preK-6 teachers and special education teachers, and reading specialists. This test is now being administered to new licensure candidates. (In June 2004, the Board of Education modified its policy to exempt from the required assessment teachers of early childhood special education, teachers of students with severe disabilities, and speech language pathologists.)
- Established the Advisory Board on Adult Education and Literacy.
- Received the document developed by the Department of Education entitled *Virginia's Foundation Blocks for Early Learning: Guidelines for Literacy and Mathematics*. This document was in response to the 2004 Appropriation Act, which included language for the At-Risk Four-Year-Old Program (Virginia Preschool Initiative) requiring the Department of Education, in cooperation with the Council on Child Day Care and Early Childhood Programs, to establish academic standards that are in accordance with appropriate preparation for students to be ready to successfully enter into kindergarten.

Objective 6: The Board of Education will provide leadership for implementing the provisions of the *No Child Left Behind Act* (NCLB) smoothly and with minimal disruption to local school divisions.

Under NCLB, each state must implement a system of accountability for schools and divisions that is designed to ensure that all children perform at or above proficiency on challenging state academic achievement standards and state assessments. The legislation requires the state to take many specific actions to meet the provisions of NCLB, including developing a timeline with annual targets by which this goal will be achieved no later than the 2013-2014 school year. Actions taken by the Board of Education in the last several years have anticipated much of what NCLB now requires. Therefore, Virginia has a solid foundation upon which to craft strategies to meet the provisions of the law.

Highlights of recent Board of Education actions include:

- Developed and implemented an achievement recognition award for Title I schools for local school divisions that exceed adequate yearly progress (AYP) requirements.
- Developed and administered annual science tests in grades 3, 5, and 8.
- Approved criteria for High Objective Uniform State Standard of Evaluation (HOUSSE) for Virginia.
- Negotiated with the U.S. Department of Education (USED) regarding regulations limiting the number of students with disabilities whose proficient score on state assessments based on alternate achievement standards could be counted in calculating AYP. In Virginia, this is the Virginia Alternate Assessment Program (VAAP). The limit set by USED is one percent of the students tested at the applicable grade levels. Under the provision that permits states to request an exception to this cap, the Board negotiated at 1.13 percent cap.
- Modified the process for calculating and reporting the AYP status of “small n schools,” which are those schools with 50 or fewer students enrolled in the tested grades or courses.
- Adopted the guidelines for sanctions/corrective actions for school divisions in improvement status, as required by the *No Child Left Behind Act of 2001*. While no school divisions in Virginia are in this situation, current guidance from the U.S. Education Department suggested that states also must address sanctions for school divisions not receiving Title I funds.
- Submitted to the US Education Department (USED) amendments and requests for additional flexibility in the form of specific waiver requests as allowed under the federal provision that permits states or localities to request, and the U.S. Secretary of Education to approve, waivers to requirements in NCLB statute or regulations.

Board of Education Agenda Item

Item: _____ J. _____

Date: _____ June 22, 2005 _____

Topic: First Review of Eligibility Criteria for Cost-Saving and Service-Sharing Agreements Between School Divisions in the Commonwealth of Virginia

Presenter: Mr. Daniel S. Timberlake, Assistant Superintendent for Finance

Telephone Number: (808) 225-2025

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Origin:

_____ Topic presented for information only (no board action required)

_____ Board review required by

X State or federal law or regulation

_____ Board of Education regulation

_____ Other: _____

_____ Action requested at this meeting X Action requested at future meeting: July 27, 2005

Previous Review/Action:

X No previous board review/action

_____ Previous review/action

date _____

action _____

Background Information:

Effective July 1, 2005, section 22.1-98.2, *Code of Virginia*, provides additional state funding to school divisions serving fewer than 350 students in the prior school year if they enter into a cost-saving or service-sharing agreement with a contiguous school division that meets criteria established by the Board of Education. Section 22.1-98.2, *Code of Virginia*, authorizes the department to provide the additional state funding to the qualifying school division by calculating its basic aid entitlement using the lower composite index of the contiguous school division involved in the agreement.

This statute further requires the Governor to approve any payments made in accordance with these criteria before they are distributed to the qualifying school division.

Summary of Major Elements

Attachment A provides the eligibility criteria that are recommended for consideration by the Board of Education. In addition to the recommended criteria, Attachment A provides the procedures for reviewing and processing requests from eligible school divisions.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education accept the first review of the criteria for cost-saving and service-sharing agreements between school divisions.

Impact on Resources:

Currently, only one school division (Highland County Public Schools) meets the enrollment requirement and is eligible for the increased state funding provided under this provision. The budget recently passed by the General Assembly and signed into law by Governor Warner (Chapter 951, 2005 Acts of Assembly) contains \$312,096 in additional basic aid funding in fiscal year 2006 to support this law.

Timetable for Further Review/Action:

This item will be presented to the Board for final review and adoption of the criteria at its meeting on July 27, 2005. The Governor must approve the adjustment to the state share for basic aid prior to the disbursement of funds. The Department of Education must annually report to the Chairmen of the House Appropriations and the Senate Finance Committees the cost savings arrangements made, and the adjusted state shares of basic aid approved by the Governor.

**Eligibility Criteria and Procedures for Supplemental Funding for
School Divisions in the Commonwealth of Virginia That
Enter Into Cost-Saving or Service-Sharing Agreements**

Purpose

Section 22.1-98.2, *Code of Virginia*, directs the Board of Education to develop eligibility criteria for cost-saving and service-sharing agreements for school divisions that enter into such agreements with contiguous school divisions. School divisions serving fewer than 350 students in the prior school year that enter into such an agreement with a contiguous school division are eligible to receive the state share for basic aid computed on the basis of the composite index of the contiguous school division, calculated annually, for 15 years.

The Governor must approve the adjustment to the state share for basic aid prior to the disbursement of funds. The Department of Education must annually report to the Chairmen of the House Appropriations and the Senate Finance Committees the cost saving arrangements made, and the adjusted state shares of basic aid approved by the Governor.

Definitions

Eligible school divisions: School divisions that served less than 350 students in the prior school year.

Cost-saving or service-sharing agreements: A formal agreement executed between the eligible school division and one or more contiguous school divisions. This agreement must be evidenced by a written document that bears the original signatures of the superintendents of the participating school divisions. The agreement must contain sufficient information to demonstrate how the agreement meets the eligibility criteria.

Additional State Share of Basic Aid: The difference between the Basic Aid entitlement the eligible school division would normally receive and that which it would receive using the lowest composite index of a contiguous school division participating in the agreement.

Eligibility Criteria

Agreements submitted by an eligible school division to the Department of Education must be made with a contiguous school division and must demonstrate how the agreement meets the following criteria:

- evidence of one or more shared services with another school division; or,
- evidence of the savings or cost increases avoided as a result of shared services or a cooperative agreement for purchasing or other administrative practice; or,
- evidence that a savings has been achieved by contracting services with another school division.

The agreement must include a statement of assurance that it complies with all federal, state, and local laws and regulations.

Examples of agreements that may meet these criteria include, but are not limited, to those that:

1. provide for the consolidation or sharing of specialized educational services or educational support services;
2. provide for the consolidation or sharing of specialized educational facilities in instructional areas such as career and technical education;
3. identify administrative or support services that are duplicative and establish a process for the consolidation or sharing of administrative or support services;
4. provide for joint professional development services;
5. provide for the consolidation or sharing of technology applications and support;
6. provide for the consolidation or sharing of operations and maintenance and custodial services;
7. provide for shared, bulk, or volume purchasing;
8. provide for privatization or outsourcing of support services with a contiguous school division.

Procedures

To be considered for adjusted Basic Aid funding under Section 22.1-98.2, *Code of Virginia*, a school division must submit to the Department of Education a cost or service-sharing plan with a contiguous division prior to September 1 of each fiscal year.

The content of the submitted cost or service-sharing plan must meet the above listed criteria.

Receipt of adjusted Basic Aid funding will begin after approval of the plan by the Department of Education and approval of the adjusted payment by the Governor of Virginia.

The additional Basic Aid payments will be computed for the eligible school division on the basis of full year funding using the lowest composite index of a contiguous school division participating in the agreement.

All payments of additional Basic Aid pursuant to these procedures are subject to appropriation of state funds for this purpose.

State funding of additional Basic Aid does not reduce the required local effort of the eligible school division.

References

- Section 22.1-98.2, *Code of Virginia*
- Chapter 951, 2005 Acts of Assembly

Board of Education Agenda Item

Item: K.

Date: June 22, 2005

Topic: First Review of a Recommendation from the Advisory Board on Teacher Education and Licensure (ABTEL) to Establish a Cut-Score on the Virginia Reading Assessment, Effective July 1, 2006

Presenter: Dr. Thomas A. Elliott, Assistant Superintendent, Division of Teacher Education and Licensure and Mr. John Mattar, National Evaluation Systems, Inc.

Telephone Number: (804) 371-2522 **E-Mail Address:** Thomas.Elliott@doe.virginia.gov

Origin:

☐ Topic presented for information only (no board action required)

☒ Board review required by
☐ State or federal law or regulation
☒ Board of Education regulation
☐ Other: _____

☐ Action requested at this meeting:

☒ Action requested at future meeting: July 27, 2005 (date)

Previous Review/Action:

☐ No previous board review/action

☒ Previous review/action
Date: April 29, 2003
Action: A Resolution to Enhance the Teaching of Reading in Virginia was adopted by the Board.
Date: June 23, 2004
Action: The Board of Education approved the exemption of early childhood special education teachers, speech-language pathologists and teachers of students with severe disabilities from the requirements of the Virginia Reading Assessment (VRA).

Background Information:

House Joint Resolution Number 794 (HJR 794), agreed to by the 2001 session of the Virginia General Assembly, requested the Department of Education, in cooperation with the State Council of Higher Education for Virginia, to study the proficiency of Virginia teachers in teaching systematic explicit phonics. A series of initiatives by the Advisory Board on Teacher Education and Licensure (ABTEL) and the Board of Education confirmed the need for consistent instruction in reading for persons aspiring to teach, as well as those already in

classrooms.

On April 29, 2003, the Board of Education adopted a Resolution to Enhance the Teaching of Reading in Virginia. One goal of the plan to implement that resolution was to develop a reading assessment aligned with the Virginia Standards of Learning and the National Reading Panel's five key components of effective reading instruction – phonics, phonemic awareness, vocabulary, comprehension and fluency. That goal will be achieved through the requirement and administration of the Virginia Reading Assessment (VRA). Additionally, the test will help identify those teaching candidates who have the knowledge and skills that are important for performing the job of teaching reading as an elementary (prek-3 or prek-6) teacher or a special education teacher. Additionally, the test will determine the proficiency level of reading specialists seeking an endorsement to serve in Virginia public schools.

As a requirement of the Board of Education in adopting the resolution to enhance the teaching of reading and the development of a reading test, it was agreed that the period between July 1, 2004, to June 30, 2006, the Virginia Reading Assessment would be required of all candidates applying for initial licensure with endorsements in the areas of Early/Primary PreK-3, Elementary Education PreK-6, Special Education areas including Emotional Disturbances, Learning Disabilities, Mental Retardation, Hearing Impairments, Visual Impairments, and individuals seeking an endorsement as a Reading Specialist.

Summary of Major Elements

The Virginia Reading Assessment was developed by National Evaluation Systems (NES), Inc., in cooperation with Virginia educators and the Virginia Department of Education. The VRA program includes two tests: the Virginia Reading Assessment for Elementary and Special Education Teachers, and the Virginia Reading Assessment for Reading Specialists. The tests have been designed and developed to be fully aligned with the English Standards of Learning for Virginia Public Schools (SOL), the reading competencies contained in the *Virginia Licensure Regulations for School Personnel*, and with the National Reading Panel's five key components of effective reading instruction--phonics, phonemic awareness, vocabulary, comprehension, and fluency.

The Advisory Board on Teacher Education and Licensure (ABTEL) received a validation and standard-setting report, *The Virginia Reading Assessment for Elementary and Special Education Teachers and the Virginia Reading Assessment for Reading Specialists* for discussion and action at its May 10, 2005, meeting. Copies of the validation and standard-setting report are available from the Division of Teacher Education and Licensure, Department of Education.

In addition, ABTEL received a presentation on the data contained in the report and discussed the recommended cut-score from the validation and standard-setting panel, the pass rate data collected by NES over the past year, the need for possible adjustments based on measurement error, and input received from Virginia educators serving on the Performance Standard-Setting Panel.

Using methods typically employed in large-scale testing, a raw score was calculated for each of the two sections of the test based on the individual item ratings. The raw score was converted to a scaled score of 100-300. The total test scaled score was determined by combining the two sections of scaled scores. Candidates' passing status is based on their total test scaled score.

After the presentation by NES, ABTEL referred the report to the Teacher Education Committee to develop a recommended cut-score for consideration by the full board. The Teacher Education Committee recommended that passing scores for the VRA be established as follows: 235 for elementary and special education teachers and 245 for reading specialists.

For the VRA for elementary and special education teachers, cut-scores from the two sections were combined for a total cut-score of 70. This score was converted to a scaled score of 235. Based on a recommended cut-score of 235, of the 1492 individuals who took the VRA through January 2005, 73 percent would pass at this level. For the VRA for reading specialists, cut-scores from the two sections were combined for a total cut-score of 78, representing a scaled score of 245. Based on a recommended cut-score of 245, of the 119 individuals who took the VRA through January 2005, 68 percent would pass at this level. The committee recommendation was adopted by the ABTEL.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education receive for first review the Advisory Board on Teacher Education and Licensure recommendation to establish cut-scores for the Virginia Reading Assessments for elementary and special education teachers at 235 and for reading specialists at 245, effective July 1, 2006.

Impact on Resources:

Costs associated with meeting the reading requirement for initial licensure will be the responsibility of the individual seeking a license.

Timetable for Further Review/Action:

Annually, the Board of Education will receive reports on the passing rates on the reading tests as a part of the education program review and approval regulations and the Title II reporting requirements.

Board of Education Agenda Item

Item: _____ L. _____

Date: _____ June 22, 2005 _____

Topic: First Review of Nominations to Fill Vacancies on Board of Education Advisory Committees: Advisory Committee on Adult Education and Literacy, State Special Education Advisory Committee, Virginia Advisory Committee for Career and Technical Education, and the Virginia Advisory Committee for the Education of the Gifted

Presenter: Mrs. Anne D. Wescott, Assistant Superintendent for Policy and Communications

Telephone: 804/ 225-2403

E-mail: Anne.Wescott@doe.virginia.gov

☐ Topic presented for information only (no board action required)

☐ Board review required by

☐ State or federal law or regulation

☐ Board of Education regulation

☒ Other: Board of Education By-laws

☐ Action requested at this meeting

☒ Action requested at future meeting: Final appointment of the nominees: July 27, 2005

Previous Review/Action:

☒ No previous board review/action

☐ Previous review/action:

date:

action:

Background Information: Article Nine, Section 2 of the Board of Education's by-laws states the following:

Advisory Committees. Advisory committees may be created by the Board for special purposes to include, but not be limited to, federal and state-mandated committees. An advisory committee shall be composed of persons who represent the views and interests of the general public and who are known to be qualified to perform their duties. Personnel of the Department of Education may be appointed to the committee, as members or as consultants. All appointments to an advisory committee shall be made by the Board upon the recommendations of the Superintendent of Public Instruction. . . .

Summary of Major Elements: Nominations to fill vacancies on the Board of Education's advisory committees are made quarterly. Nominees would be appointed to a three-year term, and the members of all advisory committees except the Student Advisory Committee may be re-appointed to a second three-year term, as permitted under the Board of Education's by-laws.

Four of the Board's six advisory committees have vacancies for which names are being placed in nomination at this time.

- Advisory Committee on Adult Education and Literacy
- State Special Education Advisory Committee
- Virginia Advisory Committee for Career and Technical Education
- Virginia Advisory Committee for the Education of the Gifted

Nominations and supporting information were gathered by the Department of Education staff using a statewide solicitation process. Staff also reviewed the qualifications of each of the nominees to ensure that they met the membership requirements that may be required either by the Board of Education or by state or federal law or regulations.

The names of the nominees and a list of the current advisory committee members and their term of service are listed in the attachment.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education receive the list of nominees for first review.

Impact on Resources: The operating expenses and other costs associated with the meetings and functions of the Board of Education's advisory committees are provided through the Department of Education's operating funds. Where applicable, federal funds are provided to support the expenses and the work of an advisory committee.

Timetable for Further Review/Action: Final appointment of the nominees will be requested at the July 27, 2005, meeting of the Board of Education. The appointments would be retroactive to July 1, 2005.

Advisory Committee on Adult Education And Literacy

Nominees:

Dr. Yvonne Brandon – Reappointment

Associate Superintendent for Instruction
Richmond City Public Schools
TERM: July 1, 2005 – June 30, 2008

Steve F. Clementi – Reappointment

Director, External Affairs
Verizon Virginia, Inc.
TERM: July 1, 2005 – June 30, 2008

Dr. Rose H. Johnson

Vice Chancellor for Workforce Development
Services
Virginia Community College System
TERM: July 1, 2005 – June 30, 2008

**Honorable Kenneth R. Plum -
Reappointment**

The Virginia House of Delegates
TERM: July 1, 2005 – June 30, 2008

Current Members of the Advisory Committee on Adult Education And Literacy

Dr. Mark E. Emblidge, Chair
Executive Director
Virginia Literacy Foundation
TERM: July 1, 2004 – June 30, 2007

Carolyn Baker
Coordinator Federal Programs and Early
Learning Center
Charlotte Public County Schools
TERM: January 1, 2003 – December 31, 2005

The Honorable Emmett W. Hanger, Jr.
The Senate of Virginia
TERM: July 1, 2004 – June 30, 2007

Dr. Gary L. Jones
Member, Virginia Board of Education
TERM: July 1, 2004 – June 30, 2007

Scott Leath
Senior Vice President and Business Manager
Richmond Newspapers, Inc.
TERM: July 1, 2004 – June 30, 2007

Marilyn Milio
The Read Center
TERM: January 1, 2003 – December 31, 2005

David Red
English for Speakers of Other Languages
Program
Fairfax County Public Schools
TERM: January 1, 2003 – December 31, 2005

Rebecca Scott
Regional Adult Education Program
Wise County Public Schools
TERM: January 1, 2003 – December 31, 2005

Susan Utt
Northern Shenandoah Valley Adult Education
Frederick County Public Schools
TERM: July 1, 2004 – June 30, 2007

Virginia Advisory Committee for Career and Technical Education

Nominees:

Parker Johnson - Reappointment

School Board Member

Accomack County Public School Board

Parksley

TERM: July 1, 2005 – June 30, 2008

Dr. Brenda D. Long - Reappointment

Career and Technical Education Director

Stafford County Public Schools

Stafford

TERM: July 1, 2005 – June 30, 2008

Dr. Daisy Stewart - Reappointment

Program Leader

Career and Technical Education

College of Liberal Arts and Human Sciences

Virginia Tech

Blacksburg

TERM: July 1, 2005 – June 30, 2008

Ray Tate - Reappointment

President and CEO

Old Dominion Glass Company

Richmond

TERM: July 1, 2005 – June 30, 2008

Current Members of the Virginia Advisory Committee for Career and Technical Education

Caroline Martin, Advisory Chairperson

Executive Vice President

Nurse Works For You

Suffolk

TERM: July 1, 2003 – June 30, 2006

Franklin D. Harris, Advisory Vice-Chairperson

Manager of Public and Member Relations

Southside Electric Cooperative

Crewe

TERM: July 1, 2003 – June 30, 2006

Craig Balzar

President

Balzer and Associates, Inc.

Roanoke

TERM: July 1, 2004 – June 30, 2007

Theresa Bryant

Vice President

Workforce Development

Tidewater Community College

Norfolk

TERM: July 1, 2003 – June 30, 2006

Johnny Cates

Executive Director AYES Program

Virginia Auto Dealers Association

Richmond

TERM: July 1, 2003 – June 30, 2006

Mike Mills

Corporate Distribution Manager

American Woodmark Corporation

Winchester

TERM: July 1, 2004 – June 30, 2007

Toney Rigali

Lead Organizer

Virginia Pipe Trades Association

Richmond

TERM: July 1, 2004 – June 30, 2007

Judy Sorrell

Director

Shenandoah Valley Regional Program

Fishersville

TERM: July 1, 2004 – June 30, 2007

Virginia Advisory Committee for the Education of the Gifted

Nominees:

Nancy C. Adams

Parent, Local Advisory Committee for the
Education of the Gifted
Newport News City Public Schools
TERM: July 1, 2005 – June 30, 2008

Dorren Brown

Principal, Johnson Elementary
Charlottesville City Public Schools
TERM: July 1, 2005 – June 30, 2008

Sandra Foddrell

Gifted Education Coordinator
Loudoun County Public Schools
TERM: July 1, 2005 – June 30, 2008

Dr. Kate (Kitty) Richmond

Director of Curriculum and Academic Services
York County Public Schools
TERM: July 1, 2005 – June 30, 2008

Sheila Roalf

Gifted Education Coordinator
Prince George County Public Schools
TERM: July 1, 2005 – June 30, 2008

Lisa Swope

Gifted Education Lead Teacher
Radford City Public Schools
TERM: July 1, 2005 – June 30, 2008

Current Members of the Virginia Advisory Committee for the Education of the Gifted (VACEG)

Jennifer Flint-Green

Director
Shenandoah Conservatory Arts Academy
TERM: July 1, 2004 – June 30, 2007

Kathryn Bremner

Virginia Middle School Association
TERM: July 1, 2004 – June 30, 2007
Dr. Catherine Brighton
President

Virginia Association for the Gifted
TERM: July 1, 2004 – June 30, 2007

Dr. Elissa Brown

Director
Center for Gifted Education
The College of William and Mary
TERM: July 1, 2004 – June 30, 2007

Dr. Virginia Carey

Board of Directors
Virginia Counselors Association
TERM: July 1, 2004 – June 30, 2007

Cris Chilton

President
Virginia Education Association
TERM: July 1, 2003 – June 30, 2006

Dr. Cy Dillon

Director, Stanley Library
Ferrum College
TERM: July 1, 2003 – June 30, 2006

Clint Estes

Gifted Education Coordinator
Orange County Public Schools
TERM: July 1, 2003 – June 30, 2006

Dr. Lowell Frye

Parent, Local Advisory Committee for the
Education of the Gifted
Prince Edward County Public Schools
TERM: July 1, 2003 – June 30, 2006

Dr. Marjorie Hall-Haley
Professor
George Mason University
TERM: July 1, 2003 – June 30, 2006

Meg Hardt
Director of Instruction
West Point Public Schools
TERM: July 1, 2004 – June 30, 2007

Patricia Lynch
Teacher of the Gifted
Fredericksburg City Public Schools
TERM: July 1, 2003 – June 30, 2006

Elizabeth Mebane
Parent, Local Advisory Committee for the
Education of the Gifted
Chesterfield County Public Schools
TERM: July 1, 2003 – June 30, 2006

Dr. Frank Morgan
Superintendent
Goochland County Public Schools
TERM: July 1, 2003 – June 30, 2006

Marion G. Roark
Board Member
Virginia Association of School Boards
TERM: July 1, 2004 – June 30, 2007

Dr. Thomas Shortt
Executive Director
Virginia Association of Elementary School
Principals
TERM: July 1, 2003 – June 30, 2006

C. Earl Snyder
Director of Laboratories
Northrup Grumman-Newport News
TERM: July 1, 2004 – June 30, 2007

Avery Wyatt
Gifted Education Coordinator
Pittsylvania County Public Schools
TERM: July 1, 2003 – June 30, 2006

State Special Education Advisory Committee

Nominee:

Peter Noonan Squire

Dahlgren

Represents: Individuals with disabilities

TERM: July 1, 2005 — June 30, 2008

Current Members of the State Special Education Advisory Committee

Dr. Michael M. Behrmann

Fairfax

Represents: local school division

TERM EXPIRES: March 23, 2008

Cindy Mills

Norfolk

Represents: Private Schools

TERM EXPIRES: January 2006

Charlene Christopher

Norfolk

Represents: teachers

TERM EXPIRES: April 30, 2006

Linda Richardson

Emporia

Represents: Parent Region 8

TERM EXPIRES: February 28, 2007

Susanne Conroy

Marion

Represents: Parent Region 7

TERM EXPIRES: October 31, 2007

Robert F. Richardson, Jr.

Ashland

Represents: Local Director of

Special Education

TERM EXPIRES: October 31, 2007

Emily Dreyfus

Charlottesville

Represents: Parent Region 5

TERM EXPIRES: October 31, 2007

Shirley G. Ricks

Richmond

Represents: State Agency

TERM EXPIRES: October 31, 2007

Stacie Ellis

Spotsylvania

Represents: Parent Region 3

TERM EXPIRES: September 17, 2007

Carmen M. Sanchez

Fairfax

Represents: Parent Region 4

TERM EXPIRES: April 30, 2006

Anne Fischer

Suffolk

Represents: Parent Region 2

TERM EXPIRES: April 1, 2006

Leslie T. Snyder

Newport News

Represents: Person with Disability

TERM EXPIRES: June 30, 2005

Heidi Lawyer

Richmond

Represents: Parent Region 1

TERM EXPIRES: April 30, 2006

Michael G. Wong

Harrisonburg

Represents: Transition/Vocational Education

TERM EXPIRES: October 31, 2007

Dr. J. David Martin

Warrenton

Represents: Local Education Official

TERM EXPIRES: June 30, 2005

Board of Education Agenda Item

Item: _____ M. _____

Date: _____ June 22, 2005 _____

Topic: First Review of the Annual Performance Report on Adult Education and Family Literacy

Presenter: Dr. Yvonne V. Thayer, Director, Adult Education and Literacy

Telephone Number: 804-225-2293 **E-Mail Address:** Yvonne.Thayer@doe.virginia.gov

Origin:

_____ Topic presented for information only (no board action required)

X Board review required by

X State or federal law or regulation

 _____ Board of Education regulation

 _____ Other: _____

X Action requested at this meeting _____ Action requested at future meeting: _____ (date)

Previous Review/Action:

X No previous board review/action

_____ Previous review/action

 date _____

 action _____

Background Information:

Section 22.1-226 of the Code of Virginia requires school divisions to evaluate adult education programs offered by the school division by synthesizing data collected for other state and federal reports.

“They shall report the findings of the evaluation, including the effectiveness and success of programs in assisting adults in obtaining the General Educational Development (GED) Certificate and the high school diploma. The Board of Education shall collect the results and report the findings to the Governor and the General Assembly.”

Summary of Major Elements:

The attached report summarizes the progress made by learners in adult education programs funded by Title II of the Workforce Investment Act during the 2003-2004 school year. The document reports performance targets negotiated by the U. S. Department of Education and the progress made in reaching the targets.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the Adult Education Annual Performance Report pursuant to Section 22.1-226 in the Code of Virginia.

Impact on Resources:

This responsibility can be absorbed by the agency's existing resources at this time. If the agency is required to absorb additional responsibilities related to this activity, other services may be impacted.

Timetable for Further Review/Action:

Following the board's approval, the report will be transmitted to the Governor and the General Assembly as required by the Code of Virginia.



VIRGINIA BOARD OF EDUCATION

2005 Annual Report

ADULT EDUCATION ANNUAL PERFORMANCE REPORT

PRESENTED TO

**THE HONORABLE MARK R. WARNER
GOVERNOR OF VIRGINIA
AND
THE GENERAL ASSEMBLY**

JUNE 2005

VIRGINIA BOARD OF EDUCATION

ADULT EDUCATION ANNUAL PERFORMANCE REPORT

The Office of Adult Education and Literacy (OAEL), located in the Virginia Department of Education, Division of Instruction, provides leadership and oversight to adult education programs and services in Virginia, including Adult Basic Education (ABE), Adult Secondary Education (ASE), and English for Speakers of Other Languages (ESOL). Although the Code of Virginia places the responsibility for adult education with Virginia's 134 local school divisions, services are delivered through a partnership of public and community-based providers that includes local school boards; community colleges; not-for-profit and faith-based literacy groups; employers; state, local and regional correctional facilities; and state institutions.

OAEL manages federal and state funds allocated for these programs. This report describes progress made in reaching programmatic goals established for providers who utilize federal and state resources to augment other public or private funds to conduct adult education programs. Virginia's programs have been successful in meeting the goal of continuous improvement as prescribed by the Workforce Investment Act (WIA). In FY 2004, OAEL was eligible for incentive funds by successfully meeting the targets established by the National Reporting System (NRS) methodology; however, incentive funds were not awarded because WIA Title I, administered by the Virginia Employment Commission (VEC), did not meet its targets.

The FY04 data indicate that progress is being made to meet the goals cooperatively established by the U.S. Department of Education (USDOE) and the Virginia Department of Education (VDOE). This report presents evidence of the following accomplishments:

- Eleven thousand five hundred forty-five (11,545) students completed their educational functioning levels, and another 6,887 completed their levels and advanced one or more levels.
- Virginia programs exceeded target performance levels in 9 out of 11 educational functioning levels: ABE Beginning Literacy, ABE Beginning Basic Education, ABE Intermediate Low, ABE Intermediate High, ASE Low, ESL Beginning Literacy, Beginning ESL, ESL Intermediate Low and ESL Intermediate High.
- Ten thousand seven hundred fifty-four (10,754) students earned their GED credentials.
- Ninety-eight percent (98 percent) of students exiting the External Diploma Program attained their credentials.
- Ninety-eight percent (98 percent) of students exiting high school diploma programs attained their credentials.
- Eighty-two percent (82 percent) of students exiting GED Certificate programs attained credentials.

Adult Basic Education

- Thirty-nine percent (39 percent) of enrolled students in ABE Beginning Literacy completed their educational functioning level, exceeding the 29 percent target performance level by 10 percentage points.
- Forty-four percent (44 percent) of enrolled students in ABE Beginning Basic Education completed their educational functioning level, exceeding the 35 percent target performance level by 9 percentage points.
- Forty-two percent (42 percent) of enrolled students in ABE Intermediate Low completed their educational functioning level, exceeding the 37 percent target performance level by 5 percentage points.
- Forty-three percent (43 percent) of enrolled students in ABE Intermediate High completed their educational functioning level, exceeding the 37 percent target performance level by 6 percentage points.

Adult Secondary Education

- Fifty-five percent (55 percent) of enrolled students in ASE Low completed their educational functioning level, exceeding the 40 percent target performance level by 15 percentage points.

English for Speakers of Other Language

- Thirty-six percent (36 percent) of enrolled students in ESL Beginning Literacy completed their educational functioning level, exceeding the 31 percent target performance level by 5 percentage points.
- Thirty-six percent (36 percent) of enrolled students in ESL Beginning completed their educational functioning level, exceeding the 31 percent target performance level by 5 percentage points.
- Forty-one percent (41 percent) of enrolled students in ESL Intermediate Low completed their educational functioning level, exceeding the 36 percent target performance level by 5 percentage points.
- Thirty-nine percent (39 percent) of enrolled students in ESL Intermediate High completed their educational functioning level, exceeding the 36 percent target performance level by 3 percentage points.
- Twenty-six percent (26 percent) of enrolled students in ESL Low Advanced completed their educational functioning level. Virginia's target performance level is 33 percent. Capturing the educational gains of this group is a major challenge because many of these adults are better educated, seeking employment, or working multiple jobs. As a result, these adults may not be available for a posttest. The 26 percent level is artificially low.
- Twenty-five percent (25 percent) of enrolled students in ESL High Advanced completed their educational functioning level. Virginia's target performance level is 32 percent. As with ESL Low Advanced adults, students at this level present a challenge in capturing their educational gains. Many of these adults also are better educated, seeking employment, or working multiple jobs, and may not be available for a posttest. The 25 percent level is artificially low.

Characteristics of Virginia's Adult Education Population

- Virginia's total enrollment (28,037) is comprised of 44 percent Adult Basic Education, 13 percent Adult Secondary Education and 43 percent English Literacy students.
- Virginia's adult student ethnic composition includes 32 percent (8,903) White, 29 percent (8,235) Hispanic, 28 percent (7,720) Black, 11 percent (3,038) Asian, .27 percent (76) American Indian/Alaskan Native, and .23 percent (65) Native Hawaiian or Other Pacific Islander.
- Fifty-one percent (14,223) of Virginia's adult student enrollment is 25 - 44 years of age, 22 percent (6,241) is 19 - 24, 15 percent (4,246) is 45 - 59, 8 percent (2,334) is 16 - 18 and 4 percent (976) is 60 or older.
- Fifty-eight percent (16,267) of Virginia's adult student enrollment is female and 42 percent (11,770) is male.
- Average hours of attendance for students enrolled in ABE are 62, in ASE 49, and in ESL 76. The overall average is 66.
- Virginia's adult students reflect the following employment states: 49 percent (13,780) are employed, 51 percent (14,257) are unemployed, 10 percent (2,865) are in a correctional setting, .33 percent (94) are in another institutional setting, and 5 percent (1,504) are on public assistance.

Follow-up Outcomes Measures

- Seventy-eight percent (78 percent) of students with a goal of obtaining a high school diploma or GED reached their goal one quarter after leaving class, exceeding the 45 percent target level by 33 percentage points.
- Thirty-two percent (32 percent) of students with a goal to enter employment reached their goal one quarter after leaving class. Virginia's target performance level is 36 percent. The counts of those employed are always lower than the actual number because VEC data include only those employed in Virginia. Many may be working in neighboring states or for cash, barter or otherwise "off-the-books." Additionally, the strength of the employment data rely on the adult students providing valid social security numbers, which is not always the case.
- Fifty-four percent (54 percent) of students with a goal to retain employment reached their goal one quarter after leaving class, exceeding the 44 percent target by 10 percentage points.
- Twenty-two percent (22 percent) of students with a goal to enter post-secondary education reached their goal one quarter after leaving class. Virginia's target performance level is 32 percent. Since the end of the State Council of Higher Education in Virginia's (SCHEV) data collection period ends too early, this figure is inaccurate. Adults seeking post-secondary education and training may be attending programs not recognized by SCHEV or programs in other states. Acceptance into the military is an additional indicator not captured in the post-secondary match.

Progress in Virginia's adult education programs includes improved achievement in education functioning level completion and surpassing state goals to enter employment and post-secondary education.

State Management of Performance Data

The Department of Education's OAEL has reached the **exemplary quality level**, the highest level recognized by the USDOE, in its management of state data for the National Reporting System. OAEL has procedures and systems that promote the highest levels of data validity and reliability, including systems for verifying data accuracy from local programs, systems for monitoring data collection and analyses, and corrective systems to improve data on an ongoing basis. State procedures indicate a focus on continuous improvement of the quality and accuracy of data.

Board of Education Agenda Item

Item: _____ N. _____

Date: _____ June 22, 2005 _____

Topic: First Review of Proposed Board of Education Meeting Dates for the 2006 Calendar Year

Presenter: Dr. Margaret N. Roberts, Executive Assistant to the Board of Education

Telephone: 804/225-2924

E-mail: Margaret.Roberts@doe.virginia.gov

Origin:

_____ Topic presented for information only (no board action required)

X Board review required by
_____ State or federal law or regulation
_____ Board of Education regulation
X Other: Board of Education Bylaws

_____ Action requested at this meeting

X Action requested at future meeting: Final adoption: July 27, 2005

Previous Review/Action:

X No previous board review/action

_____ Previous review/action
date:
action:

Background Information: Section 2 of Article Three of the Bylaws of the Board of Education states the following:

Section 2. Regular Meetings. Prior to and no later than the annual meeting (February), the Board shall adopt a tentative schedule for regular meetings for the applicable calendar year. Such schedule shall be subject to the change, alteration or adjustment by the President as he or she deems appropriate, to accommodate the operation of the Board as is necessary.

Summary of Major Elements: In recent years, the Board of Education has met monthly except for the months of August and December. The April meeting is typically a two- or three-day planning session. In addition to the regular, monthly business meetings, the President may call special meetings of the full Board of Education and its committees, as deemed necessary.

The proposed meeting dates listed below take into consideration the religious and secular holidays celebrated on or around the proposed meeting dates. Unless otherwise announced by the President, all Board of Education meetings will be held in Richmond.

The proposed meeting dates for 2006 (also shown in Attachment A) are as follows:

Wednesday, January 11, 2006
Wednesday, February 22, 2006
Wednesday, March 22, 2006
Wednesday- Thursday, April 26-27, 2006
Wednesday, May 24, 2006
Wednesday, June 28, 2006
Wednesday, July 26, 2006
Wednesday, September 27, 2006
Wednesday, October 25, 2006
Wednesday, November 29, 2006

Superintendent's Recommendation: N/A

Impact on Resources: Funding to support the expenses related to the meetings of the Board of Education are provided from the Department of Education's general operating budget as appropriated by the General Assembly.

Timetable for Further Review/Action: The schedule of meeting dates will be modified as requested by the Board of Education. Final adoption of the schedule will be requested at the July 27, 2005, Board of Education meeting.

ATTACHMENT A:
BOARD OF EDUCATION
PROPOSED MEETING DATES FOR 2006

Wednesday, January 11, 2006

Wednesday, February 22, 2006

Wednesday, March 22, 2006

Wednesday- Thursday, April 26-27, 2006

Wednesday, May 24, 2006

Wednesday, June 28, 2006

Wednesday, July 26, 2006

Wednesday, September 27, 2006

Wednesday, October 25, 2006

Wednesday, November 29, 2006

Board of Education Agenda Item

Item: _____ O. _____

Date: _____ June 22, 2005 _____

Topic: Report from the Board of Education's Charter School Application Review Committee on a Proposed Public Charter School Application

Presenter: Mrs. Eleanor Saslaw, Board of Education Member and Chair of the Charter School Application Review Committee

Origin:

_____ Topic presented for information only (no board action required)

X Board review required by

X State or federal law or regulation

_____ Board of Education regulation

_____ Other: _____

_____ Action requested at this meeting _____ Action requested at future meeting: _____

Previous Review/Action:

X No previous board review/action

_____ Previous review/action

date _____

action _____

Background Information: Section 22.1-212.9 of the *Code of Virginia* provides that a public charter school applicant may submit its proposed charter application to the Board of Education for review and comment. The law stipulates that the board shall examine the application for feasibility, curriculum, and financial soundness. At its July 21, 2004, meeting, the Board of Education adopted a process and approved criteria for examining charter school applications. As part of the process, a committee was established to evaluate applications based on the established criteria. The committee is required to submit a report to the Board of Education.

Summary of Major Elements: The Charter School Application Review Committee met on May 24, 2005, to examine the public charter school application submitted by the Blue Hills Foundation for the establishment of the Loudoun Science Academy Public Charter School in Loudoun, Virginia. The committee reviewed the application based on the criteria established by the board and stipulated in the law. Attachment A contains the summary report prepared by the committee.

Superintendent's Recommendation: N/A

Impact on Resources: There is a minimum impact on resources. The agency's existing resources can absorb costs at this time.

Timetable for Further Review/Action: Following the Board of Education's receipt of the summary report, a full report will be transmitted to the Blue Hills Foundation for the Loudoun Science Academy.

**Virginia Board of Education's
Charter School Application Review Committee**

**Summary Report for Application Submitted by the
Blue Hills Foundation for the Loudoun Science Academy
Loudoun, Virginia**

June 22, 2005

The Charter School Application Review Committee met on May 24, 2005, to examine the public charter school application submitted by Blue Hills Foundation for the Loudoun Science Academy in Loudoun, Virginia. The committee reviewed the application for the following criteria established by the Board of Education and stipulated in the *Code of Virginia*: 1) feasibility, 2) curriculum, and 3) financial soundness. A summary report of the committee's findings is submitted below.

Area 1: Feasibility

Under the area of feasibility, the applicant addressed the four required topics. These topics were: 1) mission statement; 2) goals and educational objectives that meet or exceed the Standards of Learning; 3) evidence of support from parents, teachers, pupils, and residents of the school division in support of the formation of the charter school; and 4) statement of need. The committee made suggestions for the applicant in each of these areas.

Area 2: Curriculum

Under the area of curriculum, the applicant addressed the four required topics. These topics were: 1) the public charter school's educational program; 2) pupil performance standards; 3) pupil evaluation including assessments, timeline, and corrective action; and 4) a timeline for the achievement of the stated standards and goals and a procedure for corrective action if student performance falls below the stated standards and goals. The committee made suggestions for the applicant in each of these areas.

Area 3: Financial Soundness

Under the area of financial soundness, the applicant addressed the one required topic: a financial plan that included evidence of economical soundness, a proposed budget, and an annual audit. The committee made suggestions for the applicant in this area.

Board of Education Agenda Item

Item: _____ P. _____

Date: June 22, 2005

Topic: Report on Status of Proposed Waivers/Amendments to Virginia's Consolidated State Application Accountability Plan Required in the *No Child Left Behind Act of 2001*

Presenter: Dr. Patricia I. Wright, Deputy Superintendent

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Origin:

_____ Topic presented for information only (no board action required)

_____ Board review required by

 x State or federal law or regulation

_____ Board of Education regulation

_____ Other: _____

 x Action requested at this meeting _____ Action requested at future meeting: _____ (date)

Previous Review/Action:

_____ No previous board review/action

 x Previous review/action

date January 19, 2005; April 20, 2005; May 25, 2005

action Board approved proposed amendment/waiver requests

Background Information:

The *No Child Left Behind Act of 2001* (NCLB), which is a reauthorization of the Elementary and Secondary Education Act (ESEA), requires all state educational agencies (SEA) to submit for approval to the United States Department of Education (USED) individual program applications or a consolidated state application. A major component of the consolidated application is Virginia's Consolidated State Application Accountability Workbook that describes a single statewide accountability system for the commonwealth. The accountability workbook that describes the policies and procedures that were used to determine Adequate Yearly Progress (AYP) ratings for the 2004-2005 school year based on 2003-2004 assessments are described in the amended workbook dated May 26, 2004.

At its January 19, 2005, meeting the Virginia Board of Education adopted proposed waivers/amendments to the Consolidated State Application Accountability Plan (amended May 26, 2004) required in the *No Child Left Behind Act of 2001* (NCLB).

On January 20, 2005, President of the Board Thomas M. Jackson communicated the board's actions to the United States Department of Education (USED) and asked USED to approve the requests as specific waivers permitted in Section 9401 of the federal law. These waivers/amendments are based on two years

of implementing NCLB and identification of certain procedures in implementing AYP policies that may result in unintended consequences.

The statutory authority that permits states to request, and the U.S. Secretary of Education to approve, waivers to requirements in NCLB is found in Section 9401 of the federal law:

“SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) IN GENERAL- Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this Act for a State educational agency, local educational agency, Indian tribe, or school through a local educational agency, that —

- (1)** receives funds under a program authorized by this Act; and
- (2)** requests a waiver under subsection (b).”

On January 28, 2005, President Jackson, Superintendent of Public Instruction Jo Lynne DeMary, and Deputy Superintendent Patricia Wright met with Assistant Secretary of Education Ray Simon and the new Secretary of Education’s Chief of Staff David Dunn to discuss Virginia’s waiver requests. During that meeting, USED officials described Virginia’s requests in one of three categories: policy, regulatory, or statute.

On February 1, 2005, USED sent a letter to President Jackson indicating the “graduation rate” amendment to be acceptable and the “new minimum n” amendment to be acceptable with modifications. Both of these requests were considered USED policy interpretations and did not require a waiver of regulation or statute. The letter stated USED would get back with Virginia on the remaining amendment/waiver requests as soon as they reach a decision on their acceptability.

On April 4, 2005, USED issued a letter to President Jackson rejecting Virginia’s request for a waiver on annually testing the reading and writing skills of limited English proficient (LEP) students in kindergarten and first grade.

On April 7, 2005, Secretary of Education Margaret Spellings promised additional flexibility for states that adhere to what she described as the four key principles of the law:

- Ensuring students are learning
- Making the school system accountable
- Ensuring information is accessible and parents have options
- Improving teacher quality

At its April 20, 2005, meeting the Board of Education affirmed a position stated in the accountability workbook and approved the use of separate starting points and annual measurable objectives in each subgroup (i.e., reporting category) based on actual student performance as a proposed growth model in determining Adequate Yearly Progress for schools, divisions, and the state. On April 28, 2005, President Jackson communicated to USED this additional waiver/amendment requesting the use of separate starting points and annual measurable objectives in each subgroup in determining AYP.

On May 10, 2005, Secretary Spellings announced a process for seeking approval of additional flexibility for making AYP determinations for the students with disabilities subgroup based on 2004-2005

assessments. States must apply and be approved for this flexibility.

On May 19, 2005, USED faxed to the Department of Education a letter dated February 2, 2005, granting approval of Virginia's request to revise the state reservation for Immigrant Children and Youth Funding under Title III: Language Instruction for Limited English Proficient and Immigrant Students from 15 percent to 5 percent.

At its May 25, 2005, meeting the Board of Education approved seeking authorization from USED to (a) take advantage of additional flexibility being provided by USED in calculating Adequate Yearly Progress (AYP) for students with disabilities, and if determined eligible by USED, develop modified achievement standards in accordance with federal requirements and (b) extend the previously approved 1.13 percent exception to the 1 percent cap to AYP ratings for 2005-2006 based on 2004-2005 assessments. The request with supporting documentation was submitted to USED on June 1, 2005.

Summary of Major Elements:

On June 13, 2005, the Deputy Assistant Secretary for Policy in the U.S. Department of Education notified the Virginia Department of Education that a decision had been made on Virginia's remaining amendment/waiver requests. Attached is the summary document that USED sent the department in an e-mail message of June 13. An official letter of response will follow.

The response described Virginia's amendments using five categories. The name of the categories and the number of amendments in each category are as follows: acceptable amendments through exceptional flexibility (1), acceptable amendments (1), acceptable amendments with modifications (2), deferred amendments (2), and unacceptable amendments (4).

As a reminder, earlier this spring USED responded to Virginia's two amendments to the NCLB Consolidated State Application. USED rejected Virginia's request for a waiver on annually testing the reading and writing skills of limited English proficient (LEP) students in kindergarten and first grade. USED approved Virginia's request to revise the state reservation for Immigrant Children and Youth Funding under Title III: Language Instruction for Limited English Proficient and Immigrant Students from 15 percent to 5 percent.

Since USED has deferred a decision on establishing separate annual measurable objectives for each subgroup, the Department of Education recommends that the board submit to USED a revised set of annual measurable objectives (AMOs) for calculating Adequate Yearly Progress ratings in reading and mathematics for 2005-2006 based on 2004-2005 assessments. As the results of newly developed and administered tests are used in determining Adequate Yearly Progress and accountability decisions for the state, divisions, and schools, the board should annually review and adjust, if necessary, its AMOs in reading and mathematics based on data analysis.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends the Board of Education adopt the attached revised annual measurable objectives (AMOs) for determining Adequate Yearly Progress ratings in reading and mathematics for 2005-2006 based on 2004-2005 assessments. Beginning in 2005-2006, as the results of newly developed and administered tests are used in determining Adequate Yearly Progress and accountability decisions for the state, divisions, and schools, the board will review and adjust annually, if necessary, its AMOs in reading and mathematics based on data analysis.

Impact on Resources: The Virginia Department of Education is working with a consortium of the Council of Chief State School Officers (CCSSO) to identify the cost of implementing NCLB.

Timetable for Further Review/Action: The Department of Education will send USED an amended accountability workbook and implement the approved amendments/waivers in determining AYP and accountability determinations based on the 2004-2005 test administration. In addition, the department will send USED any additional requests that are approved by the board.

**U.S. Department of Education Response to Virginia Amendment/Waiver Requests
June 13, 2005**

ACCEPTABLE AMENDMENTS THROUGH EXCEPTIONAL FLEXIBILITY

Counting the best test score (Element 3.2)

Revision: Virginia requests to count in AYP determinations the test results from “expedited tests,” a re-test given to students who miss the first test administration or fail it within a specified, narrow margin.

ACCEPTABLE AMENDMENTS

Stratified graduation rate for Individualized Education Plan (IEP) and limited English Proficient (LEP) students (Element 7.1)

Revision: Virginia requests for students with disabilities, to allow a student’s IEP to determine the standard numbers of years for graduation rate; for LEP students the LEP team would determine the standard number of years.

ACCEPTABLE AMENDMENTS WITH MODIFICATIONS

Minimum subgroup size (Elements 5.5 and 10.2)

Revision: Virginia requests a new minimum “n” for division and state level only (50 or 1 percent). (this is only acceptable if it is also applied at the school level and is capped at 200)

Division (LEA) accountability (Element 1.6)

Revision: Virginia proposes to identify divisions as in need of improvement if they miss AYP for two consecutive years in the same subject by the same subgroup and across all grade spans. (this is only acceptable if the reference to same subgroup is removed).

DEFERRED AMENDMENTS

Limited English Proficient (LEP) flexibility (Element 5.4)

Revision: Virginia requests to extend the assessment and inclusion flexibility for newly arrived LEP students to LEP students who have been in the US from 1 to 3 years. (deferred until LEP working group provides recommendation(s))

Separate Starting Points (Element 3.2) (submitted 4/28/05)

Revision: Virginia requests to establish individual starting points and annual measurable objectives for each subgroup as a way of implementing a growth model for determining AYP of schools, divisions. The starting points and annual measurable objectives in each reporting category will be based on actual student performance in each category for the prior three years. (deferred until growth model working group provides recommendations)

UNACCEPTABLE AMENDMENTS

Identification based on same subject-same subgroup (Element 1.6)

Revision: Virginia requests to base school and district identification on the same subgroup missing AYP for two consecutive years in the same subject.

Targeting Choice and supplemental educational services (SES) (Elements 1.6 and 4.1)

Revision: Virginia proposes to limit choice and SES only to students in the subgroups that miss AYP.

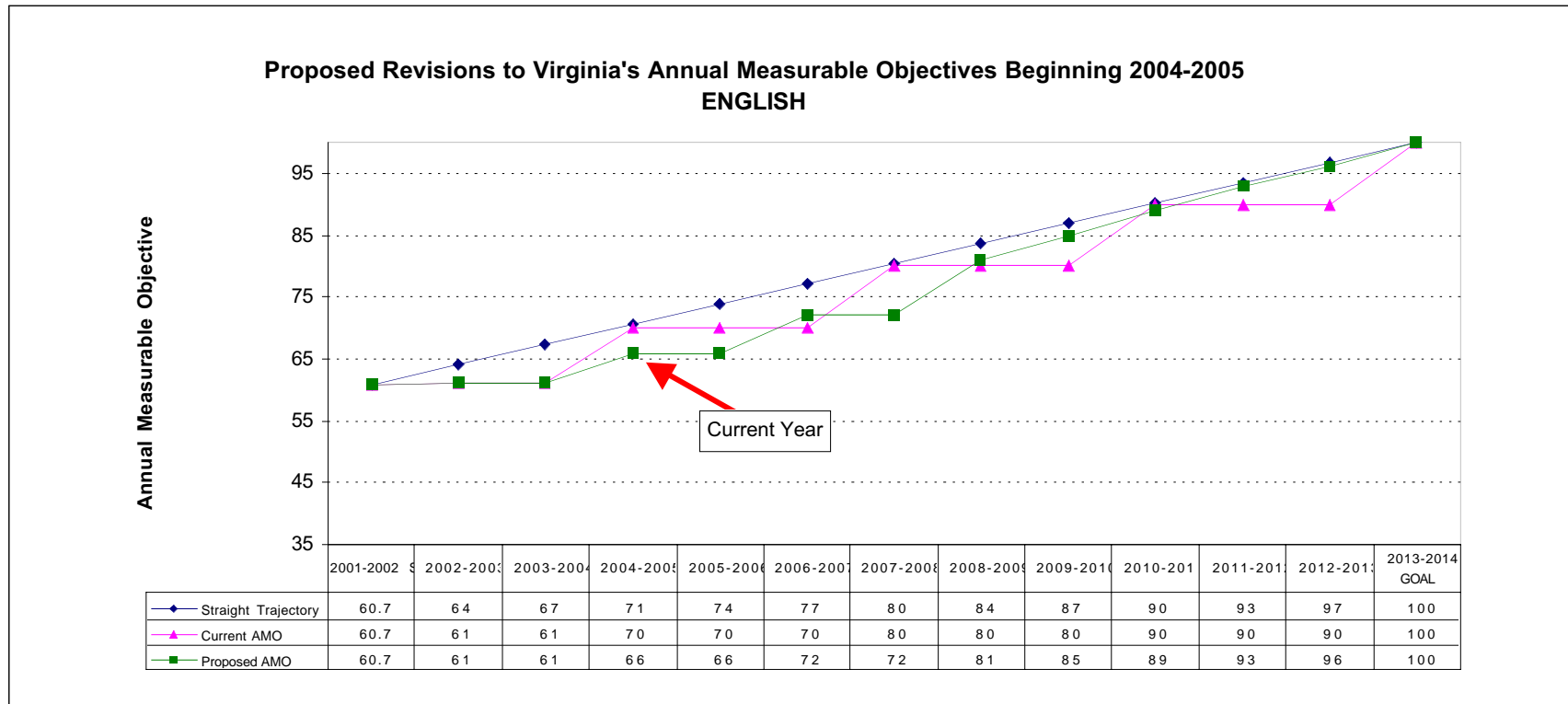
Use of other academic indicator (Elements 3.2, 6.1, and 8.1)

Revision: Virginia requests to use additional indicators for safe harbor only (grad rate, science SOL or attendance).

Assessment of SWD (Element 5.3)

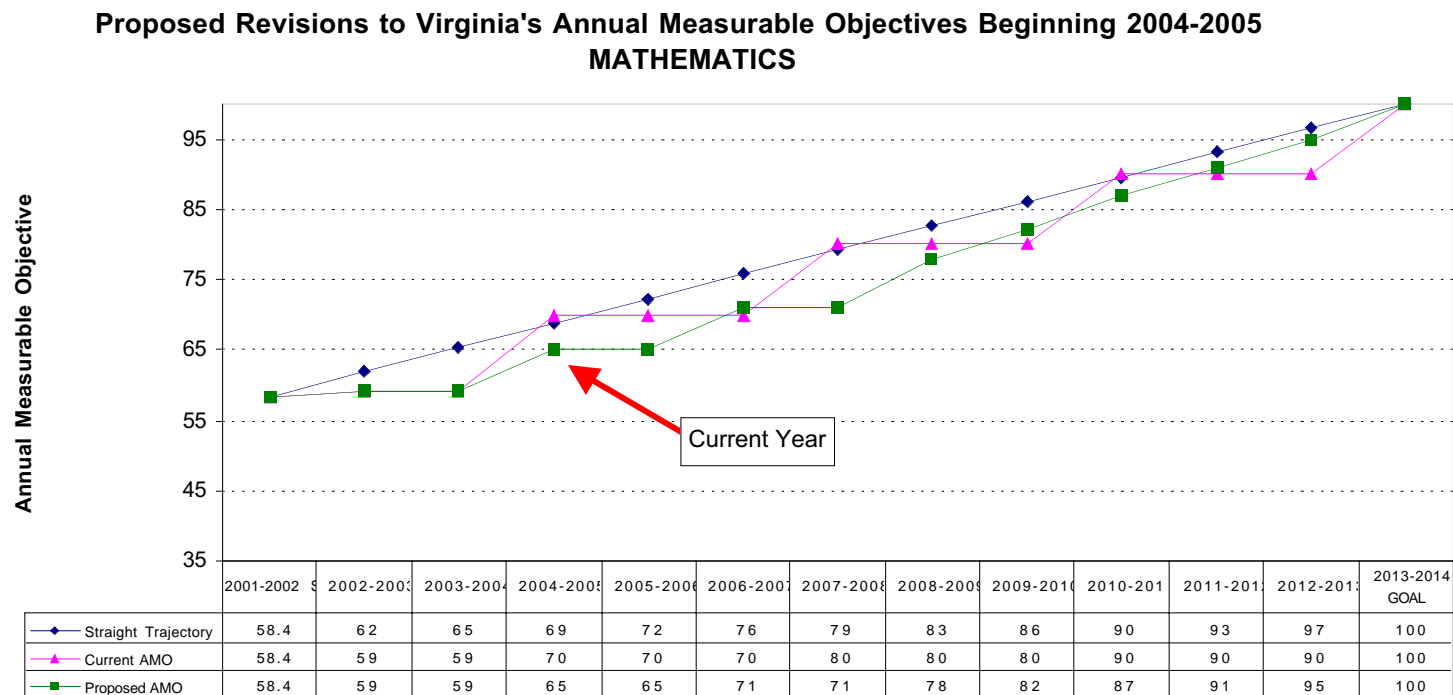
Revision: Virginia requests to count as proficient for accountability purposes achievement levels set by IEP teams for students 1 to 3 years below grade-level. (this issue is addressed via VA's 2% request and request for an exception to the 1% cap for the amount of 1.13%)

Proposed Amendment to Virginia's Consolidated State Application Accountability Workbook Required in NCLB
June 22, 2005



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